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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BYRNE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 2016.

I hereby appoint the Honorable BRADLEY BYRNE to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

HYDE AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of every woman in our country and her right to make her own healthcare decisions in consultation with her doctors.

Women should be free to make those most personal of decisions without the interference of politicians and, specifically, without the interference of the Hyde amendment.

The Hyde amendment is an insidious and antiwomen's healthcare provision

that, in its 40 years of existence, has pushed safe and legal abortions out of the reach of women at the lowest ends of our socioeconomic ladder. It overwhelmingly affects women of color, immigrants, and young women.

Instead of lifting up our middle class and working families, Republican politicians have built roadblocks at every corner through the Hyde amendment and countless other restrictions on women's health care. It is long past time for us to remove it from Federal law, and I am proud to be a cosponsor of the EACH Woman Act, which would do just that.

STOP THE CLEAN POWER PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, right now, down the street at the U.S. Court of Appeals for the District of Columbia Circuit, our very own West Virginia attorney general, Patrick Morrisey, is arguing against the unconstitutional coal and job-killing plan known as the Clean Power Plan.

Time and again, President Obama has put radical leftwing environmentalists ahead of hardworking Americans. Obama's so-called Clean Power Plan is no different. This plan is a laundry list of unnecessary environmental restrictions that will increase energy costs and put even more Americans out of work.

In West Virginia, we rely on coal for over 90 percent of our power generation. This regulation will shut down our power plants, kill our coal jobs, and dramatically raise home energy prices for West Virginians.

I have been working at a Federal level to help put a stop to these job-killing policies. Last year, I sent a letter to Governor Tomblin, along with Representatives MCKINLEY and JENKINS

of West Virginia, urging him not to comply with the Clean Power Plan. Under the plan, States are forced to come up with a State Implementation Plan to reduce greenhouse gas emissions on a timeline that would be very harmful to our State.

This January, my first bill to pass the U.S. House of Representatives was aimed at putting a stop to the stream protection rule. When the rewrite of the rule was first proposed by the Office of Surface Mining, or OSM, they described it as a "minor" regulation that would only impact one coal region. However, the proposed stream protection rule contains sweeping changes that amount to modifying or amending 475 existing rules. The proposed rule would destroy up to 77,000 coal mining jobs nationwide, including up to 52,000 in the Appalachian region.

My bill, H.R. 1644, the Supporting Transparent Regulatory and Environmental Actions in Mining Act, simply requires a study to be completed to determine if the rules governing mining need to be updated or changed. It calls for all scientific data used in rule-making to be made publicly available and prevents the Office of Surface Mining from overstepping their regulatory role in implementing Clean Water Act provisions.

When I campaigned to represent the people of the Second Congressional District of West Virginia in Congress, I promised that I would fight for the coal industry and the hard workers of our State. West Virginia and our country need the Clean Power Plan to be stopped indefinitely before more damage to the coal industry is done.

DANGEROUS, CHILLING EFFECT OF REPUBLICAN SELECT PANEL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Ms. SCHAKOWSKY. Mr. Speaker, last week, Republicans on the panel they call the Select Investigative Panel on Infant Lives, which we call the Select Panel to Attack Women's Health, voted to recommend criminal contempt against a small biotech company and its owner and also release publicly the name of a doctor who has been interviewed privately by that panel. These actions are a disgrace to the House.

Over the past year, the select panel Republicans have abused congressional authority to harass, intimidate, and bully doctors and researchers, with the ultimate goal of driving companies away from fetal tissue research and ending lifesaving research. They have done this largely out of the public view and, ironically, at the same time that Chair BLACKBURN and other leading Republicans profess support for researchers and for funding 21st century cures.

Tragically, their stealth campaign against lifesaving research is working. One tissue procurement company informed the panel that: "Due in large part to the costs borne from having to respond to these congressional inquiries, our client is no longer doing business."

The University of California at Los Angeles told us that "recent national events have increased the challenge of obtaining the fetal tissues" needed for ongoing research. The negative publicity about fetal tissue research also delayed publication of a study whose findings have the potential to impact "development of therapies for HIV, cancer, multiple sclerosis, asthma, and organ transplant rejection."

UCLA went on to explain that one lab "has reduced their effort on studies that require fetal tissues, despite the importance of this research, due to concerns about personal safety."

Rockefeller University similarly told the panel that there is now "a paucity of sources from which to obtain human fetal tissue, creating roadblocks to the conduct of important biomedical research" and that one laboratory is "currently unavailable to perform research that it hopes will lead to cures for human disease."

Other researchers have reported that promising studies and clinical trials for neurological conditions, such as MS and Alzheimer's disease, have been halted or delayed due to reduced availability of fetal tissue for research. Other leading institutions, including Harvard, the Yale School of Medicine, and the University of Minnesota, have confirmed the importance of fetal tissue as a tool for understanding and treating diseases and conditions that impact millions of Americans.

The Republican attacks on this research are particularly troubling as scientists race to understand how the Zika virus impacts fetal brain development. A leading association of research scientists has explained that "the use of donated fetal tissue, including placental tissue, has provided the best un-

derstanding of how Zika viruses behave in the body." These insights "are already guiding the development of drugs that may protect the unborn baby from the ravages of the Zika virus."

The Republican select panel's dangerous witch hunt has put this lifesaving research at risk. It is also endangering individual lives.

Last Monday, Chair BLACKBURN publicly released the name of a healthcare provider who was privately interviewed by the panel. This doctor has already been the target of harassment and threats and repeatedly asked the panel to safeguard her identity. Just last week, her lawyer informed Chair BLACKBURN that her university had to increase security as a result of a prior leak of information by panel Republicans. Even knowing this, they released her name.

This has gone on long enough. We are elected officials. It is our opportunity and responsibility to make things better for the people we serve. That privilege and the power that accompanies it should not be abused. This select panel should be brought to an immediate end.

Mr. Speaker, I include in the RECORD letters from the University of California at Los Angeles, Rockefeller University, and from university counsel regarding the danger that panel Republicans have created for this doctor and her students.

UNIVERSITY OF CALIFORNIA,
Los Angeles, CA, September 19, 2016.

Hon. JAN SCHAKOWSKY,
Ranking Member, Select Investigative Panel on
Infant Lives, Energy and Commerce Com-
mittee, House of Representatives, Wash-
ington, DC.

DEAR REPRESENTATIVE SCHAKOWSKY: On behalf of the University of California, Los Angeles ("UCLA"), I have attached UCLA's response to your letter of July 28, 2016, requesting that UCLA provide the Select Investigative Panel on Infant Lives with information to better understand the importance of and risk to fetal tissue research.

UCLA conducts research using fetal tissue that is vital to an understanding of human biology and to efforts directed toward new treatments for a wide variety of adult and childhood diseases and medical conditions. Our research is conducted in full compliance with federal and state law and in accordance with our tripartite mission of education, research, and public service. The information provided below answers the five specific requests made in your letter.

Please note that UCLA has omitted identifying information from the enclosed documents based on concerns for the safety and security of individuals conducting research. Should you have any questions regarding this response, please contact me.

Sincerely,

UCLA HEALTH/DAVID GEFFEN SCHOOL
OF MEDICINE.

1. PAST BENEFITS OF FETAL TISSUE RESEARCH.

Since the 1930's, fetal tissue has been used in a broad range of research that has led to lifesaving discoveries. The Association of American Medical Colleges (AAMC), of which UCLA is a member, has previously noted that human fetal tissue research has been critical in establishing permanent cell lines for use in vaccine research for diseases such as polio, hepatitis A, measles, mumps, rubel-

la, chickenpox, and rabies. These established cell lines are currently being used to develop an Ebola vaccine.

Fetal tissue proved to be necessary for the production of consumer vaccines against measles, rubella, rabies, chicken pox, shingles and hepatitis A. According to the journal *Nature*, at least 5.8 billion vaccine doses have been derived from fetal tissue lines.

2. POTENTIAL FUTURE BENEFITS THAT MIGHT BE GAINED THROUGH CONTINUED FETAL RESEARCH

Biomedical research continues to benefit from the use of new fetal tissue. According to the U.S. Department of Health and Human Services, "fetal tissue continues to be a critical resource for important efforts such as research on degenerative eye disease, human development disorders such as Down syndrome, and infectious diseases, among a host of other diseases."

As noted in the journal *Nature*, "In the past 25 years, fetal cell lines have been used in a roster of medical advances, including the production of a blockbuster arthritis drug and therapeutic proteins that fight cystic fibrosis and hemophilia." Yet, existing fetal material and cell lines "... are of limited use for scientists because they do not faithfully mimic native tissue and represent only a subset of cell types. ... The lines can also accumulate mutations after replicating in vitro over time." New fetal material is critical if we are to continue to pursue vaccines for HIV and other diseases as well as create treatments and cures for devastating illnesses such as Parkinson's and Alzheimer's Disease, blinding eye disorders such as macular degeneration, diabetes, and schizophrenia.

Our response to question 4 below cites a diverse range of diseases being studied by UCLA laboratories whose research requires the use of fetal tissues. These research activities are critical for the development of new therapies for the treatment of these diseases.

3. UNIQUE ASPECTS OF FETAL TISSUE IN RESEARCH, IN COMPARISON WITH ADULT CELLS OR OTHER CELLULAR ORGANISMS THAT MIGHT BE USED FOR RESEARCH PURPOSES

As described in the following summary of research performed in UCLA laboratories (response to question 4), human fetal tissues are critical for current and future research activities for multiple reasons. First, human fetal tissues exhibit biological properties that are distinct from those of tissues derived from children or adults, and these properties, often related to an enhanced capacity for growth and regeneration, can be highly desirable for the development of novel therapies. It therefore is critical to understand the unique properties of fetal tissues, which can be accomplished only through a direct analysis. Some therapies under development would require the direct use of fetal cells, such as recent clinical trials using fetal neural cells to treat patients with spinal cord injury or Parkinson's Disease. Most therapies, however, will emerge from the study of fetal tissues rather than directly including the cells in the ultimate drug product.

Second, the direct study of human fetal tissues is essential for an understanding of human development. This understanding is necessary for the advancement of fundamental biology, for the pursuit of therapies for the treatment of developmental diseases, such as Down syndrome and the microcephaly associated with Zika virus infection, and for the pursuit of therapies for the treatment of many other diseases that have been linked to developmental defects, including several cancers.

Third, human fetal tissues are critical for the establishment of mouse models for the

study of human diseases and for the testing of potential new drugs and other therapies. For example, rodents are highly valuable for biomedical research, but they are inadequate for many studies of human disease and for the advanced testing of new therapies (e.g. HIV does not infect rodent cells). To circumvent the limitations of rodents, human fetal tissues can be implanted into immunocompromised mice, thereby generating an invaluable model system for studies that require the use of a living animal, such as the testing of new drugs. Importantly, human fetal tissues are essential for the establishment of these models due to their unique properties in comparison to tissues from children and adults.

4. SUMMARY OF ANY RESEARCH CONDUCTED SINCE 2010 THAT UCLA HAS BEEN INVOLVED IN THAT USED FETAL TISSUE OR RELIED UPON OTHER STUDIES THAT USED FETAL TISSUE

Research laboratories at UCLA studying a wide array of human diseases have used fetal tissues for their medical research projects since 2010. A survey of these researchers resulted in a consistent response that the use of fetal tissues has been, and will continue to be, essential for progress in their fields. While much remains to be learned about the specific properties of fetal tissues, it has been well-established that their properties are distinct from those of adult tissues. Fetal cells often differ from other cells because the fetal cells need to support the rapid growth and maturation of the tissue during fetal and neonatal development; in contrast, the functions of cells from children and adults are usually restricted to maintenance of the physiological functions of the tissue. An understanding of the unique properties of fetal cells and tissues is likely to be of great value for the development of new treatments for a number of devastating human diseases.

We provide here a summary of seven representative research efforts at UCLA that rely on fetal tissues and for which the research is strongly dependent on continued availability of fetal tissue.

CANCER: One project focuses on an effort to improve the treatment of a form of lymphocyte leukemia in young children. Although the survival rate of these patients has improved dramatically, approximately 15% of pediatric patients with the most aggressive forms of the leukemia continue to die. A growing body of evidence suggests that these fatal leukemias may be unusually aggressive because they emerged from a unique type of B cell progenitor (B cells are white blood cells that secrete antibodies) generated only during fetal development. Research recently completed at UCLA has shown that the genetic regulation of fetal and adult B cell development is distinct. The aim of the ongoing research is to identify genes expressed only in fetal B-cell progenitors that contribute to the development of the aggressive forms of leukemia observed in young children.

IMMUNITY: Another UCLA research laboratory is immersed in an analysis of fetal T cells, another important type of white blood cell generated in the thymus. A primary goal of this laboratory is to develop improved strategies for rejuvenation of the immune system in cancer patients and in HIV patients whose immune systems have been compromised by chronic virus infection. Human fetal T cell progenitors have been found to be completely different from progenitors found in children and adults in their ability to rejuvenate the immune system. This laboratory has been performing detailed comparisons of the molecular properties of the fetal and adult cells in an effort to understand how to speed up immune system re-

juvenation and make the immune system healthier.

As exemplified above, one general reason several UCLA laboratories rely on fetal tissues for their research is that an examination of the properties of the fetal tissues is needed to understand how they differ from older tissues and from tissues derived from induced pluripotent stem cells (iPSCs). iPSC are cells with embryonic stem cell like properties that can be generated from a patient's own skin cells (by a method developed less than 10 years ago), and then matured into any of a wide variety of human tissues; these cells hold great promise for the treatment of many degenerative and chronic diseases. One goal of the researchers is to engineer adult cells and iPSC to possess the unique, beneficial properties of fetal cells. This goal can be achieved only if the molecular features of the fetal cells have been clearly defined.

LUNG DISEASES: A UCLA laboratory is pursuing new treatments for a form of lung disease in infants. A long-term goal is to treat this disease by generating iPSC from a patient and then converting the iPSC into therapeutic lung cells. The ultimate therapy would not require the use of fetal cells. However, successful development of the therapy depends on an understanding of the unique properties of fetal lung cells, which have been found by the UCLA laboratory to grow and divide far more robustly than comparable cells from children or adults. The laboratory has developed a disease model that is being used to understand the unusual growth properties of the fetal cells and how these properties can be harnessed for therapeutic benefit.

GENETIC AND MUSCLE DISORDERS: Another UCLA laboratory studies diseases of muscle, including muscular dystrophy, toward the goal of regenerating functional muscle in patients. Similar to the findings with fetal lung, this laboratory has found that the regenerative capacity of human fetal muscle cells greatly exceeds that of older muscle satellite cells. Recent studies of the underlying mechanisms have revealed possible molecular explanations for the differences between the fetal cells and older cells. This professor considers fetal muscle cells to be the "gold standard" for all efforts to develop therapies for degenerative muscle diseases, due to the powerful and unique regenerative properties of these cells. Quite simply, for an understanding of the important differences between fetal muscle cells and older muscle cells, which are critical for the development of novel therapies, there is no alternative to the ability to analyze the fetal tissues themselves. It is also noteworthy that several of these studies are moving rapidly toward clinical trials, which necessitates the focus on human cells rather than rodent models.

HIV: Another reason several researchers rely on the availability of fetal tissues is that the fetal tissues can be used to create mice implanted with a specific human tissue, thereby providing an animal model in which potential therapies for the treatment of diseases of that human tissue can be tested. Such mice can eliminate the need for the testing of therapies in non-human primates, and are often preferable to studies of non-human primates because they allow the direct study of human cells.

Some UCLA laboratories use mice containing a human immune system for their studies of potential HIV therapies. These mice, which can be generated successfully only with the use of human fetal cells, are extremely important for progress of the HIV field, as HIV does not infect rodent cells. Currently, these mice are being used to study gene therapy approaches for the treatment of HIV infection, with the studies leading rapidly toward clinical trials.

BRAIN/SPINAL CORE INJURY: Human fetal tissues are also of great value for studies of the unique structure of the human brain, which is dramatically different from that of the mouse brain. UCLA research has used human embryonic stem cell lines to generate brain organoids (collections of neuronal cells that self-assemble into structures that resemble small portions of the brain). A comparison to fetal brain tissue is essential for the researchers to evaluate the validity of their organoid method, which is currently being used to understand developmental diseases of the brain, as well as the impact of Zika virus on brain development. The laboratory hopes to use this model to screen for drugs that may protect the fetal brain from the growth impairment caused by Zika virus infection. This same laboratory is also studying strategies for the generation of spinal cord neurons in the laboratory, for use in determining the underlying causes of neurodegenerative diseases, such as spinal muscular atrophy and amyotrophic lateral sclerosis, and for screening for drugs that could slow disease progression and extend patient lifespan.

INFERTILITY: The final UCLA laboratory discussed in this report uses fetal tissues for studies aimed at the diagnosis and treatment of human infertility. State-of-the-art genomics methods are being used to develop reference maps of germ cells and of fertilized eggs at the earliest stages of embryonic development. One goal of these studies is to better understand the reasons for spontaneous miscarriages. These studies are strongly dependent on human fetal tissues because early embryonic development in mice differs substantially from that in humans. The reference maps being developed by this laboratory are also of great importance for the study of germ cell cancers.

5. DESCRIPTION OF ANY RECENT CHANGES EXPERIENCED BY UCLA IN THE AVAILABILITY OF FETAL TISSUE FOR RESEARCH AND THE RELATED IMPACT OF THESE CHANGES, INCLUDING WHETHER OR NOT THERE HAVE BEEN INTERRUPTIONS AND/OR DELAYS IN RESEARCH AS A RESULT.

Most UCLA researchers surveyed emphasized that recent national events have increased the challenge of obtaining the fetal tissues required for the research projects described above. One reputable company was forced to close due to legal expenses associated with challenges to its operations. This has delayed important studies and has forced laboratories to spend a considerable amount of time and resources searching for alternative suppliers. One laboratory has identified a reliable source of fetal tissues in Germany. Another laboratory has reduced their effort on studies that require fetal tissues, despite the importance of this research, due to concerns about personal safety. Of further note, recent publicity surrounding the procurement of fetal tissue delayed publication of a manuscript submitted by UCLA investigators to a renowned journal by more than seven months. The findings reported in that study have the potential to impact the development of therapies for HIV, cancer, multiple sclerosis, asthma, and organ transplant rejection.

THE ROCKEFELLER UNIVERSITY,

New York, New York, September 21, 2016.

Hon. JAN SCHAKOWSKY,
Ranking Member, Select Investigative Panel,
House of Representatives, Committee on Energy and Commerce, Washington, DC.

DEAR CONGRESSWOMAN SCHAKOWSKY: The Rockefeller University offers our response to your request for information regarding the importance and availability of fetal tissue as a critical resource in aspects of our scientific

research. We set forth below your concerns and our responses.

PAST BENEFITS OF FETAL TISSUE RESEARCH

Human fetal cells and tissues have had a decisive and major impact on our current understanding of the molecular and cellular origins of human organs and tissues. Human fetal tissues have allowed researchers to explore and understand the biology and uniqueness of human development. This knowledge has translated into the rational design of both treatment and prevention of numerous human diseases and has saved innumerable human lives.

Fetal tissue has contributed directly to the improvement of child and adult human health. In the 1960s, cell lines derived from fetal tissue were used to manufacture vaccines including those that counter measles, rubella, rabies, chicken pox, shingles and hepatitis A, cumulatively saving millions of lives. The rubella vaccine alone eliminates 5,000 miscarriages each year.

Fetal tissue has been used to uncover disease pathways that overlap with natural developmental processes and may guide development of therapeutic treatments for heart disease. Fetal cell lines have been used in medical advances for the production of pharmaceuticals, including an arthritis drug and therapeutic proteins that fight cystic fibrosis and hemophilia. Every indication emphatically supports the notion that further understanding of degenerative diseases such as Alzheimer's, Huntington's, and a host of other devastating and as yet incurable conditions, depend specifically on access to fetal tissue.

Ongoing fetal tissue research is critical for continued advances in regenerative medicine, including organ/tissue regeneration of heart, liver, pancreas, lung, muscle, skin, and more, holding out hope for a wide variety of therapeutic discoveries.

Human tissue-based models for studying uniquely human viral diseases are important for understanding mechanisms of disease progression and developing preventive measures and therapies. Fetal tissue has been used to build increasingly complex models of human disease. A single human fetal liver yields material sufficient to produce dozens of humanized mice. Certain human viruses are severely host-range restricted, meaning they infect humans and no other animals. Fetal tissues are essential for production of humanized mice that can be used in learning about such uniquely human conditions.

POTENTIAL FUTURE BENEFITS THAT MIGHT BE GAINED THROUGH CONTINUED FETAL TISSUE RESEARCH

Future benefits of fetal tissue research will include the enhancement of our basic knowledge of human development. It will inevitably impact clinical approaches and provide new means to address currently incurable diseases by providing new technological platforms. Scientists have used information gleaned from studies of motor neuron development to guide stem cells to become neurons and establish stem cell-derived models of Amyotrophic Lateral Sclerosis, a currently untreatable and fatal disease. These models have allowed researchers to develop new drugs that already are being used in clinical trials to treat ALS. Another of the most promising novel technical platforms in regenerative medicine is using cell-based therapy strategies to replace defective organs rather than attempting to repair the diseased tissue.

For some conditions, potential future benefits must be gained by human fetal tissue research. Certain humanized mice can be produced best with human fetal tissues. Such mice are unique in their ability to support long term infection, thus allowing evaluation of therapies aimed at finding cures.

It is increasingly important to study infection, disease mechanisms and antiviral interventions in human cells. Fetal tissue provides a rich source of stem cells for studies in cell culture and also engraftment into small animals that can then be used to model infection, disease progression and test therapies. These provide valuable preclinical models that increase the chances of success before progressing to human clinical trials.

Investigators continue to mine existing gene expression information from fetal tissue samples in order to understand gene function and growth-regulating pathways encountered in normal versus tumor samples. Much that applies to cancer can be learned from gene expression analysis in organ development.

Wide ranges of adult diseases and disorders have their origin during very early human development. Examples include types 1 and 2 diabetes, schizophrenia, and Huntington's disease. Knowledge of how the human fetus generates discrete organs will provide the blueprint for applying human embryonic stem cells for the generation of specific organs used for supportive and regenerative medicine.

UNIQUE ASPECTS OF FETAL TISSUE IN RESEARCH

Neither adult stem cells, nor reprogrammed somatic cells approach the versatility and quality of the natural stem cells derived from the fetus which remains the best resource for regenerative medicine. Model organisms, from the fruit fly to rodents, unfortunately cannot fully model human diseases.

We are aware of how many times promising solutions for diabetes, cancer, and neurodegenerative diseases have been shown to cure the mouse or rat but fail when tested in humans. The human neocortex, for example, contains cells and anatomy that are specifically human, and not found even in other primates. Fetal tissue provides a unique source of human cells that have the potential to be used directly or engrafted into immunodeficient animals. Human fetal tissue offers an important and unique resource for basic and medical research. There is no comparable substitute for fetal tissue for the accurate understanding of human development.

The adult immune system is "educated" to reject animal hosts, complicating the creation and production of animal models with humanized immune systems. In contrast to the adult, fetal immune cells have not yet been educated and therefore do not recognize the host as foreign. As a result, fetal tissues do not reject the host but rather are engrafted, leading to a chimera that is composed of mouse tissues and human immune cells. These mice are uniquely suited to finding cures through research.

Modern technologies have opened the door to studying the cellular interplay in complex human tissues during their development, normal, and disease states, as well as in aging. From single-cell expression analysis of fetal tissue, a great deal about intracellular communication can be learned that will increase our understanding of how normal as well as malignant growth is governed, and how therapeutic interventions may take advantage of these molecular programs.

RECENT CHANGES EXPERIENCED IN THE AVAILABILITY OF FETAL TISSUE FOR RESEARCH

Currently, there is a paucity of sources from which to obtain human fetal tissue, creating roadblocks to the conduct of important biomedical research. Entities that previously provided the sources of human fetal tissue have either closed, due to external pressure, or currently offer more limited options than previously proffered.

Laboratories have experienced significant difficulties in securing fetal tissue for research. One lab reported: We used to receive fetal tissue once or more every week. Over the past year, the supply of fetal tissue has dwindled and become increasingly unavailable and unreliable—to the point where we can no longer depend on this important resource for our studies.

Another lab despaired: In the past, our laboratory was able to obtain fetal tissues nearly every week. For the last several months, we have been unable to obtain any fetal tissue. Humanized mouse production has come to a standstill, and we are currently unable to perform research that we hope will lead to cures for human disease.

Thank you for your interest in our research and the challenges it faces. I hope you find the information provided here responsive to your questions.

MCDERMOTT WILL & EMERY,

September 20, 2016.

Re Proposed Disclosure of Code Name Dr. Administrator's Deposition Transcript.

Hon. MARSHA BLACKBURN, *Chairman*,
Hon. JAN SCHAKOWSKY, *Ranking Member*,
House Select Panel on Infant Lives,
Washington, DC.

DEAR CHAIRMAN BLACKBURN: I am writing today on behalf of my client, the University of New Mexico ("UNM") with regard to the notice posted by the Select Panel on its website last night of a business meeting on September 21, 2016. The Select Panel has proposed the meeting to consider, among other items, a resolution to release of the deposition transcript of UNM's doctor, code name: Dr. Administrator, who you publicly named in your online notice.

UNM objects to a vote to release the transcript at this time. The Select Panel would violate its own rules if it released the deposition transcript without having afforded the witness or counsel to review the transcript as required by the governing deposition regulations. *See* 161 Cong. Rec. E21-01 '18 ("If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chair.") In fact, UNM counsel addressed this very issue with the Select Panel majority staff by email as recently as September 12, 2016 and offered to review the transcript in the Select Panel's office and at staff's convenience. *See* email from UNM Counsel, at Attachment 1. Majority staff never responded to this offer.

UNM continues to have grave concerns about the Select Panel Majority's repeated, intentional public disclosure of the names of its doctors, first in the Interim Report from July 2016, and again in the notice published on the Select Panel's website on September 19, 2016. UNM has asked repeatedly for over six months for assurances that the Select Panel would not disclose the names of its doctors or staff, who UNM has shown are in grave danger of harassment or worse by extremists who oppose their profession. One UNM doctor gave sworn testimony detailing the harassment and threats that this doctor and others have already received, both at their homes and at work. She laid out for the members of the Panel in her deposition why her name and the names of other doctors and staff should not be disclosed. She described the real fear these doctors carry with them each day. At various points your staff provided assurances to UNM counsel that they would take measures to protect the privacy and safety of UNM staff. The most recent and totally unnecessary online publication of a UNM doctor's name directly contravenes all of these assurances.

From the very beginning of this inquiry, UNM has expressed its well-grounded concerns regarding the safety and well-being of its students, faculty and staff. The potential for harm to these individuals is real and demonstrable. This is evidenced by the deadly attack at a Planned Parenthood clinic in Colorado last year—an attack where the assailant killed, among others, a police officer—as well as the specific death threats recently received by individuals connected to the procurement of fetal tissue. One of those death threats prompted an investigation by the FBI, and the arrest of an individual who made that specific threat. Counsel to UNM expressed these specific concerns repeatedly in correspondence to the Select Panel on January 29, February 16, February 19, March 3, April 11, and May 19 of 2016, and in various email correspondence.

The repeated public disclosure of these names demonstrates a knowing and intentional disregard for the safety of UNM personnel by the Select Panel Majority, who has been on notice since January 2016 of the charged environment surrounding these professionals and the potential danger they face. Going forward, the members of the Select Panel who vote in favor of this resolution to release the deposition transcript will personally bear responsibility for any harm that comes to these individuals.

UNM requests that if the Select Panel adopts a resolution to release the transcript, whether prematurely in violation of its rules or after UNM has had a chance to review it, that the Select Panel redact the UNM doctor's name from the transcript. The fact that the Select Panel has previously published the doctor's name does not excuse it from an ongoing obligation to avoid endangering UNM staff. Secondly, UNM requests that the Select Panel postpones the disclosure of the transcript by a minimum of a week so that UNM can work with local law enforcement and campus security to put additional security measures in place to protect students and staff.

Sincerely,

STEPHEN M. RYAN.

MINERS' PENSIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. JENKINS) for 5 minutes.

Mr. JENKINS of West Virginia. Mr. Speaker, thousands of retirees and widows in my district and coal States across the country are worried about making ends meet. They are wondering if the promises made to them will be kept. They want to know if Congress will act to preserve the pensions and healthcare benefits they worked hard to earn.

Mr. Speaker, our coal miners and their widows deserve the pensions and benefits they were promised. However, the funds for these vital programs are running out—and time is running out to fix these critical issues.

We have a solution. In the House, it is called the Coal Healthcare and Pensions Protection Act, legislation I proudly cosponsored, along with ALEX MOONEY of the Second Congressional District of West Virginia. This legislation was introduced by our fellow West Virginian, Congressman DAVID MCKINLEY. A companion bill has also been introduced in the Senate.

I want to share the words of a West Virginian who watched her father spend 30 years in the mines. Sherri Armstrong of Boone County wrote me, urging Congress to protect the benefits that her father had earned. She said her dad worked every shift available and counted every penny he earned. He took pride in his job, but his future is now in jeopardy. Here is what she wrote:

For decades, their work provided for their communities, State, and Nation. If something is not done, and their benefits not protected, many of these people will be forced to either return to the workforce or to lose all they worked for and depend on public assistance to sustain them their remaining days.

Our coal miners made this country what it is today. They mined the coal that made the steel that built the skyscrapers and won world wars. These miners and their families deserve no less than what they worked their entire lives to earn: the peace of mind that comes with a pension.

I urge Congress to act. Pass this important legislation and protect our miners and their families.

HYDE AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today to call for an end to the discriminatory Hyde amendment, which has harmed too many women for far too long.

This week marks 40 years since the Hyde amendment was first passed. For 40 years, politicians have denied the full range of comprehensive health services, including abortion coverage, to women just because of their income, employer, or ZIP Code. This must stop.

This bill was passed in 1976 to prevent low-income Medicaid recipients from exercising their constitutional rights. I was here working as a staffer for my predecessor, Ron Dellums, when this amendment first passed. We fought tooth and nail against it then. We knew that this harmful rider would help pave the way for decades of harsh, unfair restrictions.

□ 1015

Now, as a member of the Appropriations Committee, each year I have fought the fight against Republican efforts to double down and to expand the Hyde amendment.

In fact, in 2016, the Hyde amendment now affects more than just Medicaid recipients, to include: Federal employees and their dependents, military servicemembers, Native Americans, Peace Corps volunteers, immigrants, Federal prisoners, and the residents of Washington, D.C.

The discriminatory Hyde amendment also disproportionately impacts low-income women and women of color. More than half of the women subject to the Hyde amendment are women of color.

We also know that when those who seek abortion care are denied, they are

much more likely to fall into poverty than a woman who is able to access care.

The Hyde amendment is just wrong. It is not only the Hyde amendment. Since 2010, State legislatures have adopted 334 abortion restrictions, further expanding the hardship of abortion coverage like the Hyde amendment; again, politicians making decisions for women that they have no business even thinking about. Women deserve the right to privacy and the right to make their own healthcare decisions.

From shutting down clinics to creating longer wait lines, these restrictions impose the greatest burden on low-income women, immigrants, women of color, and young people.

Now, it is not our job, as elected officials, to make family planning decisions for women. Politicians need to get out of personal healthcare decisions for women.

Let me be clear. A woman's access to abortion should never depend on her ZIP Code, her employer, or her income. Whether you agree with women having abortions, that is not the issue. The issue is we should not discriminate against women who are denied the full range of comprehensive health services.

Secondly, politicians need to stop interfering with women's personal decisions about their body. That is why I, along with Congresswoman SCHAKOWSKY, Congresswoman DEGETTE, and 70 of our colleagues, offered and introduced the EACH Woman Act, H.R. 2972. This legislation would end the discriminatory Hyde amendment and ensure that all women can exercise their fundamental right to privacy and their fundamental right to choose.

Specifically, this bill ensures that, first, if a woman gets her care or insurance through the Federal Government, she will be covered for all pregnancy-related care.

Secondly, it means that Federal, State, and local legislators will not be able to interfere with the private insurance market to prevent insurance companies from providing a full range of healthcare services, including abortion coverage.

Right now, we have over 120 cosponsors working to stop politicians from interfering with a woman's reproductive rights, and we are building a coalition of elected officials, grassroots organizers, faith communities, and women who are ready to see this discriminatory and dangerous law taken off of the books.

So, as we mark 40 years of this terrible policy, I urge my colleagues to be bold and to support the EACH Woman Act. Together, we will end the Hyde amendment to ensure equal access to all healthcare services, including abortions for all women, not just for some who have the resources to ensure that their right continues as they make their own personal healthcare decisions.

These are their own constitutional rights. We should not interfere with any woman's right to make these decisions. So let's move forward. Support the EACH Woman Act.

I want to commend all of the young women and men across the country who are really working to turn back the tide of this terrible amendment and who are working to pass the EACH Woman Act.

CELEBRATING 50TH ANNIVERSARY OF GOODWILL INDUSTRIES NORTH CENTRAL PENNSYLVANIA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to mark the 50th anniversary of Goodwill Industries North Central Pennsylvania located in my district. This organization assists people from across a portion of north central Pennsylvania, including 13 counties.

Goodwill has been a valuable part of this region since its launch in 1966. Over the years, their service area has grown to cover more than a dozen counties, 20 stores, and has created jobs for more than 500 people.

Coming up this weekend, I will visit the community of Falls Creek, in Jefferson County, located in Pennsylvania's Fifth Congressional District for a celebration of Goodwill's 50th anniversary.

It certainly helps that this great local organization is backed up by a highly-regarded national network. Across the United States, Goodwill is considered one of the top five most valuable and recognized nonprofit brands and is the second largest nonprofit organization.

Pennsylvania alone is served by 10 Goodwill Industries service areas. Goodwill has solid ties to the communities that it serves through partnerships with local businesses, schools, and human service agencies, helping individuals overcome life challenges through opportunity, education, training, and employment.

Those who donate to Goodwill can have peace of mind that their money is going to the right place since 90 cents of every dollar is directed towards its mission and services. Those services were provided to nearly 1,200 people across the north central region in 2013, providing an immeasurable benefit to the region.

This 50th anniversary celebration is a great time to reflect on all of the growth Goodwill Industries North Central has achieved as a team and continue to prepare their plans for the future. I commend them for all of their remarkable achievements, and I look forward to the great things that are yet to come.

ENCOURAGING SUPPORT FOR REPUBLIC OF MOLDOVA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. WEBER) for 5 minutes.

Mr. WEBER of Texas. Mr. Speaker, today I rise to introduce a resolution encouraging United States' support for strengthening democratic institutions and anticorruption efforts in the Republic of Moldova.

America and its allies are under renewed attack by an aggressive Russia that continues to employ Soviet-style political and economic warfare.

Mr. Speaker, they are sewing discord and dissent whenever and wherever the opportunity presents itself. Without a doubt, Russia has set its sights on the front-line states of Eastern Europe.

One such particularly vulnerable state is the Republic of Moldova. Moldova's strategic location between Russia and Ukraine makes its loyalty to the West increasingly significant.

Also extremely problematic is the fact that Russia continues to violate borders and meddle in others' internal affairs. In 2014, nearly \$1 billion, with a B, or 12 percent of Moldova's GDP was stolen from three major Moldovan Government banks. This banking scandal required the active involvement of a number of oligarchs and elected officials. Current members of the Moldovan Government recently exposed just how susceptible Moldova is to the Russian evil empire influence, as I call it.

This "crime of the century" not only touches financial institutions, Mr. Speaker, that are the world over, but it also exemplifies a systematic pattern of the Russian bear's efforts to undermine the rule of law and empower local agents willing to do its bidding. There is no question that Eastern Europe is at the center of a geopolitical struggle that has consequences for Atlantic security for many generations to come.

As the U.S. considers policies to counter the Russian bear's growing sphere of influence in Eastern and Southern Europe, as well as beyond the continent, we must not overlook the importance of a series of small countries that hang in the balance for our near- and long-term geopolitical goals.

American support for the rule of law, economic freedoms, transparency, and anticorruption initiatives in Moldova, and its neighborhood, at this pivotal time in history will unquestionably pay dividends for years to come.

We must also be considerate, Mr. Speaker, of just exactly what precedents we set today. Russian hegemony will not succeed if we help our allies in the East and their efforts to conduct free and fair elections.

Therefore, Mr. Speaker, I urge all my colleagues in the House to join me in supporting Moldova's efforts to rid themselves of Russia's corrupt and antidemocratic antics and influence. Please join me in efforts to add transparency and fortification to democratic and civil institutions within our

ally and friend, the Republic of Moldova.

Mr. Speaker, you know I am right.

FDA OVERREACH WILL DESTROY VAPING INDUSTRY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to bring attention to the FDA's inappropriate efforts to decimate the vaping industry.

Dozens of my constituents have written to me about the dramatic positive impact vaping has had on their lives. Each of these Americans has also expressed concern that the FDA's regulations will take away the very thing that has helped them begin to lead a healthier lifestyle.

Andrew Driscoll of Boone wrote: "Vaping has allowed me to quit a pack-a-day habit of smoking after years of trying other nicotine products to quit . . . innovation by small businesses to create helpful products that facilitate positive lifestyle changes should not be stifled by overregulation by the FDA."

Dorothy Berryhill-Sanderson of Winston-Salem started smoking when she was 16 years old. She wrote that she was "able to finally stop smoking a year and a half ago by vaping. I went off asthma meds within 6 months and high blood pressure meds shortly afterwards."

Seth Marion of Yadkinville tried a variety of measures to quit smoking, but nothing worked until he tried vaping. He wrote to me to stress "how important it is to support vaping and the lives it is changing."

Kayla Hildebran of Taylorsville vowed to quit smoking when her 3-year-old daughter asked her to stop. She wrote about her opposition to the FDA regulating "something that has not only changed my life for the better but hers too."

In addition to numerous individuals, I am also hearing from business owners in my district who will be impacted by these rules. The FDA estimates there are between 5,200 and 10,200 businesses in the United States that make and/or sell electronic nicotine-delivery systems. The agency has said that number could drop between 30 percent and 70 percent with the new regulations, which is outrageous.

Vaping helped Chris Winfrey of Winston-Salem quit smoking. As a result, he organizes nationwide trade shows and conventions for vaping. He wrote that "my businesses will no longer be able to exist, and I will no longer be able to employ the people I do."

Josh Frazier of Statesville owns a local vaping business and asked me "why the FDA wants to basically eliminate this industry."

These regulations are yet another example of the Obama administration's pattern of stifling the American economy through unnecessary rules. It is

important for the well-being of citizens across this country that we stop this Federal overreach and that we allow vaping and other nontraditional products to compete in the marketplace.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 28 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Greg Young, Brown Deer United Church of Christ, Brown Deer, Wisconsin, offered the following prayer:

O God, author of all that is good, true, and beautiful, we gather together today to give You thanks. Thanks for the privilege of living in this great Nation, and for the privilege of serving its people.

As we journey into this new gift of today, I ask that You bless these who represent our great Nation and all who support them. Grant them inspired thought and action that transcends ideology. Inspire those here today with courageous and creative deliberation and nobility of purpose. Grant, O God, that these walls resound with the clarion call of freedom and justice for all which stand as the bedrock of our Nation.

We humbly ask, God of tender loving mercy, that You guide the collective wisdom and discourse of these Representatives.

May God bless this House and all who serve. God bless the President. May God bless the United States of America.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska (Mr. ASHFORD) come forward and lead the House in the Pledge of Allegiance.

Mr. ASHFORD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND GREG YOUNG

The SPEAKER. Without objection, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 1 minute.

There was no objection.

Ms. MOORE. Mr. Speaker, it is really, truly a pleasure to welcome Greg Young here as our guest chaplain.

I just want to note that I met him on an airplane during the time of a great, great distress, illness in my family, and he prayed for me; and he is here today at another time when I am experiencing some family illness.

It just goes to demonstrate that no matter what your race, creed, color, gender, there is always somebody out there who can touch you, someone out there who can bring the spiritual resources to you, if you just open up your heart and your mind.

Thank God for Greg Young, and I thank him for visiting us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIBBLE). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HONORING PALMETTO BAY'S GROUNDBREAKING CEREMONY FOR VETERANS PARK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday, Monday, September 26, the Village of Palmetto Bay, a municipality located in my lovely congressional district, held a groundbreaking ceremony for its Veterans Park, a park solely dedicated to honor the brave men and women who have proudly served our wonderful Nation. It was a collaboration of a south Florida business, local officials, and the American Legion Marlin Moore Post 133 who joined together in support of this noble cause and made this park a reality.

The Miami-Dade Military Affairs Board and other veterans affairs groups will assist the Village of Palmetto Bay in filling the park with memorials and historical data to honor veterans from every conflict in which our great Nation has participated in order to protect our freedoms.

Residents and visitors alike will be able to learn and reflect on the sacrifices that so many courageous servicemembers have made and continue to make to this day.

Congratulations to the Village of Palmetto Bay.

BE BOLD AND END THE HYDE AMENDMENT

(Mr. QUIGLEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise today in support of the EACH Woman Act, to ensure that every woman receiving care or insurance through the Federal Government be covered for abortion services. I am glad to join leaders in the fight for reproductive rights here on the floor today.

Whether a woman has private or government-funded health insurance, she should have coverage for the full range of pregnancy-related care, including abortion. For 40 years, the Hyde amendment has interfered with a woman's health decisions simply because she is poor. Research shows that restricting Medicaid coverage of abortion, as the Hyde amendment requires, forces one in four poor women seeking abortion to carry an unwanted pregnancy to term.

Women have the right to determine when and if they have children. That is a right protected under the Constitution for all women, not just those who can afford private health insurance. I am proud to cosponsor the EACH Woman Act, and I call on my colleagues to be bold; end Hyde.

HONORING THE 175TH ANNIVERSARY OF KENDALL COUNTY, ILLINOIS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, I rise today to honor the 175th anniversary of Kendall County, Illinois.

Favorable conditions back in the 1830s persuaded hundreds of immigrants to load their wagons and head west to settle on the Illinois prairie. These early settlements became the seeds of Kendall County, a thriving, 320-square-mile area west of Chicago that is home to friendly people, rich farmland, and a strong base of manufacturing and small businesses.

The legislation creating Kendall County, approved by the Illinois Senate and House, was passed into law on February 19, 1841. It was named Kendall in honor of U.S. Postmaster General Amos Kendall, who served under President Andrew Jackson.

Throughout its history, the county has stood the test of time and continues to grow and prosper today. In fact, the county boasts more than 114,000 residents and holds the record as the fastest growing county in the United States, with an impressive rate of more than 110 percent growth.

I am proud to call Kendall County my home and celebrate its 175th year of history and prosperity.

VICTIMS OF GUN VIOLENCE

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Mr. Speaker, North Charleston, South Carolina, June 29, 2013:

Maurice Lamark Horry, 41 years old;
 Carlos Davis, 39;
 Theodore Waymyers, Jr., 36.
 Waco, Texas, May 17, 2015:
 Jesus Delgado Rodriguez, 65 years old;
 Richard Vincent Kirshner, 47;
 Charles Wayne Russell, 46;
 Daniel Raymond Boyett, 44;
 Wayne Lee Campbell, 43;
 Manuel Issac Rodriguez, 40;
 Jacob Lee Rhyne, 39;
 Richard Matthew Jordan, 31 years old;
 Matthew Mark Smith, 27.
 Manchester, Illinois, April 24, 2013:
 Joanne Sinclair, 64 years old;
 Roy Ralston, 29;
 Brittany Luark, 22;
 Nolan Ralston, 5 years old;
 Brantley Ralston, 1 year old.
 Olympia, Washington, June 22, 2016:
 Gerald M. Berkey, 36 years old;
 Terron R. McGrath, 31;
 Jackson Edens, 28.
 New Orleans, Louisiana, August 10, 2014:
 Terrance McBride, 33 years old;
 Jasmine Anderson, 16.

SEPTEMBER IS VETERANS SUICIDE PREVENTION MONTH

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Mr. Speaker, I rise today to recognize September as Veterans Suicide Prevention Month.

America has a veteran suicide epidemic. In 2014, 20 veterans a day committed suicide. Only six of these were users of VA services.

I know that the challenges of military life do not end once our servicemen and -women return home from Active Duty. A veteran in northern Michigan pointed out to me that, when calling a VA medical center, an automated voice directed those in a mental health crisis to hang up and dial a long 800 number. This made no sense.

I am pleased VA has finally taken steps to address this. Now when a veteran calls Iron Mountain VA Hospital, he or she can be immediately connected to a mental health crisis line. I hope this feature will be rolled out to every VA medical facility as soon as possible.

To all veterans struggling with whether to take your life, know there is no shame in asking for help.

I thank those who have served our country for their immeasurable service and sacrifice.

CONGRATULATING DR. MARCELO CAVAZOS, 2016 TEXAS SUPER- INTENDENT OF THE YEAR

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to recognize the 2016 Texas Superintendent of the Year, Dr. Marcelo

Cavazos, representing the Arlington Independent School District.

From a young age, Dr. Cavazos' parents encouraged him and his five siblings to focus on their education, the great equalizer of opportunity. Dr. Cavazos believes that all children must have someone to advocate for them in order to succeed.

With this belief in mind, Dr. Cavazos began his career as an English teacher in the Mission Consolidated Independent School District in 1990. He also worked in the TEA, the Texas Education Agency, in their school finance department before joining Arlington ISD in 1999. He was named deputy superintendent of Arlington ISD in 2009 and became the superintendent in November 2012.

Under Dr. Cavazos' leadership, the Arlington Independent School District has opened two fine arts/dual language academies, expanded community-based prekindergarten offerings, and signed agreements with the University of Texas at Arlington, the University of North Texas, and Tarrant County College to give kids greater access to dual credit and early admission options.

Dr. Cavazos has made it his life mission to open the doors of opportunity for all of our children.

Congratulations on receiving this prestigious award.

NATIONAL RICE MONTH

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, September is National Rice Month. For those of us in the agriculture community, there are two numbers that stuck out. One is 2050; the other is 9 billion. Let me explain.

By the year 2050, we expect the human population will be at about 9 billion people. Beyond all the other concerns we have about such a large population, among those concerns is: How will we feed that many people?

I believe that hearty, wholesome grains like Arkansas rice will be a part of the answer to that important question. Rice is nutrient-dense, containing over 15 vitamins and minerals, including folic acid, B vitamins, iron, and zinc. It is easily stored, transported, and an incredibly versatile kitchen staple for families around the world.

In an age of concern over healthy, affordable foods, rice supplies an answer that other grains can't match. A one-half cup cooked serving of rice costs less than 10 cents and provides complex carbohydrates that fuel the human body.

But here in the United States Congress, one of the problems I run into is that people don't know that we grow rice in the United States. I do what I can to spread the word about American rice production, including sending other Members Rice Krispies Treats on their birthdays.

If we are going to use rice as a tool for solving the world's need for cheap,

affordable foods, we have got to keep telling the story about American rice. I can't think of any other food more important for feeding the world.

CELEBRATING DR. LOURDES GOUVEIA DURING HISPANIC HER- ITAGE MONTH

(Mr. ASHFORD asked and was given permission to address the House for 1 minute.)

Mr. ASHFORD. Mr. Speaker, as we celebrate Hispanic Heritage Month, I rise today to honor a woman who has left an indelible mark on the State of Nebraska and the Second Congressional District.

Dr. Lourdes Gouveia is professor emeritus of sociology and the founding director of the Office of Latino/Latin American Studies at the University of Nebraska at Omaha.

For over 25 years, with her leadership and knowledge, she has worked to provide educational institutions, government agencies, and the private sector with relevant, culturally competent, and socially responsible research and analysis of Nebraska's vibrant Latino population.

She has directed work that details the economic, social, and political opportunities and challenges facing both the urban and rural sectors of the State. Dr. Gouveia has done this with a particular focus on the impact of migration, immigrant integration, and social justice.

All this has now come full circle as her former students and others she has mentored fill a variety of highly meaningful roles in Nebraska and across the country. This ensures that her legacy, symbolized by the programs she has created and nurtured over the past quarter century, will continue to serve Nebraska and its citizens long into the future.

HONORING HARRELL CHARLES MURRAY, JR.

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to honor Mr. Harrell Charles Murray, Jr., of Savannah, Georgia, who passed away on Sunday, September 18.

Mr. Murray was an outstanding individual who dedicated his life to his family, his church, his community, and his country. He served his country during World War II as a member of the United States Coast Guard, where he served on a patrol boat guarding the southeastern coast from attack and attempted espionage.

After the war, he joined the family's business, Savannah Lumber and Supply Company. He was loyal to his family's company, working there until his retirement.

With any additional time, he contributed to the Savannah community. A

few of his many examples of service include participating in the Lions Club, mentoring young men at the local YMCA, and donating gallons of blood to the American Red Cross.

A lifelong member of Wesley United Methodist Monumental Church in Savannah, he was always devoted to bettering the church and its congregation. The church even gave him a special award for his work.

Mr. Murray's life and work is to be commended. He will certainly be missed.

□ 1215

NEW TRAIN STATION FOR BUFFALO

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, western New York is experiencing a resurgence that was unimaginable 10 years ago. We have reclaimed our waterfront, generated thousands of jobs in the life sciences, and will soon be the largest supplier of solar panels in the Western Hemisphere.

But still there is much work to be done. The Buffalo-Exchange Street Amtrak station is, in terms of function and aesthetics, the worst in the State and among the worst in the entire Nation. It is currently closed because the ceiling collapsed. This is a station that is not in keeping with a city that is on the rise.

Yesterday, I asked the New York State Department of Transportation to begin planning for a new station at our bustling Canalside district or our historic Central Terminal.

If we act quickly to produce a plan for a new, state-of-the-art train station that is shovel-ready, we will position Buffalo to benefit from a much-needed investment in infrastructure throughout the Nation.

SUICIDE AFFECTS YOUNG CHILDREN

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, The Journal of Pediatrics recently reported many preteen children are at risk for suicide. Previously, it was believed that young children were incapable of suicide because they can't feel as hopeless or didn't have an understanding about death.

Yet, in the United States, children as young as 5 years old die by suicide. According to the study, most of these suicide victims had a mental health problem. For younger children, suicide was associated with attention deficit disorder, and for older kids, depression. Both are treatable but must be diagnosed and treated right.

But today, for every 2,000 children with a mental health disorder, only one

child psychiatrist is available. Over 70 percent of psychotropic medications are prescribed by nonpsychiatrists, and 90 percent of psychiatric medications for children are prescribed off label.

The Helping Families in Mental Health Crisis Act addresses this grave reality head-on by increasing the number of child psychiatrists in our Nation. As lawmakers, it is our duty to protect our Nation's future generations.

As the Senate continues to sit on H.R. 2646, I hope they keep in mind our children and our grandchildren. Please do not leave town before passage of H.R. 2646. We can save lives, but, to do so, we must pass this law. Our children need help and hope.

REBUILDING OUR INFRASTRUCTURE

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, it has been more than 2 years since the public health crisis in Flint, Michigan, exposed thousands of residents—including up to 12,000 children—to lead-tainted water. With only days left to avert a government shutdown, I am absolutely appalled by the continued resistance of Republican leaders to include critical funding in the year-end spending bill to help the families of Flint.

None of our communities are immune to aging infrastructure. We must provide the resources to address these challenges head-on before pipes break, before a bridge collapses, or before a road becomes impassable.

For most of us across the country, that means rebuilding our infrastructure before the worst happens. For the people of Flint, it means providing emergency assistance in the wake of this crisis that will allow them to rebuild their lives and their communities. Either way, it is incumbent upon us as Members of Congress to protect the health and safety of our constituents, and the time to act is now.

REPORT ON RESOLUTION RECOMMENDING THAT THE HOUSE FIND BRYAN PAGLIANO IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH A SUBPOENA

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted a privileged report (Rept. No. 114-792) on the resolution recommending that the House of Representatives find Bryan Pagliano in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform, which was referred to the House Calendar and ordered to be printed.

MENTAL HEALTH

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to urge my colleagues in the Senate to act on mental health reform legislation. Back in July, the House passed H.R. 2646, Representative MURPHY's bill, the Helping Families in Mental Health Crisis Act, with strong bipartisan support; but the Senate has yet to take action on this vital piece of legislation.

There can be no more delay; our Nation has suffered the loss of over 70,000 lives as a result of mental illness, many of which could have been prevented with access to mental health treatment. Mental illness devastates our criminal justice system, our communities, and our families. We cannot arrest our way out of this problem.

Mr. Speaker, I urge our Senate colleagues to advance this bill so that we can intervene before more Americans lose their lives to this treatable disease.

RECOGNIZING TONY LAM

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, I rise to recognize my constituent, Mr. Tony Lam. Tony fled Vietnam in 1975 during the Fall of Saigon. He was a political target because of his work for the United States Government.

While at Camp Asan in Guam and Camp Pendleton in California, he served as a leader for the community of refugees. After settling in Westminster, California, Tony won a seat on the Westminster City Council in 1992, becoming the first Vietnamese American elected to public office in the United States.

Tony will turn 80 next week on October 4, and I want to take this opportunity to congratulate him and thank him for his many years of service to the Vietnamese American community and to the city of Westminster.

NATIONAL SUICIDE PREVENTION MONTH

(Mr. BUCSHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCSHON. Mr. Speaker, suicide is the second leading cause of death for young Americans ages 10 to 24.

To put that in perspective, for kids in the fourth grade to young adults just starting their careers, suicide is the second leading cause of death.

As a father of four all in this age group, I can't tell you how heartbreaking it is that kids across the country feel hopeless and feel that suicide is their only option.

Tragically, we know that many of the individuals who experience suicidal thoughts suffer from some form of mental illness but have not received proper treatment.

Here in the House, we passed landmark legislation to overhaul our Nation's mental health treatment system to make sure these individuals have access to the care they need, and we need to see it across the finish line.

That is why I am here on the floor today to recognize National Suicide Prevention Month and, more importantly, to bring awareness to this tragic problem and recommit our efforts to help our fellow citizens struggling with mental illness.

DYSFUNCTIONAL REPUBLICAN-LED CONGRESS

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, I rise today to call out the dysfunction of this Republican-led Congress.

At every turn, this House has abandoned Americans who are counting on strong action from Congress to protect families. Whether it is Flint, gun violence prevention, or the Zika virus, this Congress has shown its unwillingness to tackle the real issues affecting the American people.

Mr. Speaker, in the United States and its territories, there are now more than 23,000 confirmed cases of Zika. An emergency request for supplemental resources to fight Zika came to this House more than 6 months ago. Similarly, in the 3 months since House Democrats took to this floor to call for a vote on commonsense gun safety legislation, there has not been a single vote.

Mr. Speaker, this Congress' inaction on these issues has dire consequences for many in communities across the country, including the more than 40 men and women who have lost their lives to gun violence in the Virgin Islands this year and the number of unarmed African Americans killed in police shootings. Are they not important?

The water crisis in Flint is the very issue that this Congress should take up.

Mr. Speaker, I call on this Congress to act now to fully fund the President's emergency request to fight Zika, to support the children and families in Flint, as well as bring a vote on legislation to keep our communities safe from gun violence and aggressive police practices.

MOSES LAKE CHAMBER OF COMMERCE

(Mr. NEWHOUSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEWHOUSE. Mr. Speaker, I rise today to recognize the Moses Lake

Chamber of Commerce in Washington State's Fourth Congressional District as they prepare to celebrate their 75-year anniversary in October.

Moses Lake is truly a vibrant community that has developed as a hub for diverse sectors, including agriculture, aviation, manufacturing, and technology.

This success is no accident. The commitment of hardworking entrepreneurs and local civic leaders has placed Moses Lake on a path of increased opportunity for the residents of the city, in Grant County, and in the entire region.

The growing engagement of Moses Lake businesses in trade and exporting American products overseas shows the importance of access to international markets for the local economy. Moses Lake businesses and leaders know the importance of keeping our ports open and supply chains operating smoothly.

While Moses Lake's natural beauty, freshwater, and recreational and cultural activities attract visitors from all over, its growing economy supports jobs that attract families to stay and call Moses Lake home.

Congratulations to Moses Lake on 75 years of fulfilling its mission to create and maintain a prosperous economy and quality lifestyle.

RELIEF FROM OBAMACARE

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to encourage my colleagues to support Congressman ADRIAN SMITH of Nebraska's CO-OP Consumer Protection Act which we will vote on later today.

This bill will temporarily exempt from the individual mandate penalty anyone who had a plan under one of the many failed ObamaCare co-ops; 17 out of 23 co-ops have failed since early 2015.

Community Health Alliance was one such ObamaCare co-op based in my district. When it failed last year, 27,000 Tennesseans were forced to find new plans. This year, Tennesseans have been faced with even more bad news. Earlier this year, BlueCross BlueShield of Tennessee requested an average 62 percent increase in premium rates. Then just yesterday, BlueCross BlueShield of Tennessee announced that they can no longer afford to offer any ObamaCare exchange plans in Knoxville, Nashville, and Memphis. This will affect over 100,000, including many of my constituents who will now have the option of only one health insurance provider.

Congressman SMITH of Nebraska's bill will provide at least some relief for people who have lost their health insurance because of ObamaCare. I urge my colleagues' support of this very important legislation.

EDEN PRAIRIE: BEST PLACE TO LIVE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise to congratulate Eden Prairie, Minnesota, for being recognized and named as the Second Best Place to Live in America by Money Magazine. It is not the first time that Eden Prairie has been recognized as a great place to live. It has made the annual list several times over the years and even finished number one in 2010.

Eden Prairie is a wonderful place for families and kids because of its excellent schools, great parks, and over 100 miles of terrific walking and biking trails. There are also 17 lakes that add to our high quality of life. The city also has a lot to offer through its economy as well. There are several great local and global brands that are headquartered in town or nearby.

Mr. Speaker, Eden Prairie residents have known this for a long period of time. It is a great place to work, to live, and to raise a family. I am honored to represent such an outstanding community and to call it home myself.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2016 at 9:34 a.m.:

That the Senate agreed to S. 1886.

Appointment: Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 5303, WATER RESOURCES DEVELOPMENT ACT OF 2016; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 892 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 892

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-65. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment pursuant to this resolution, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 2. It shall be in order at any time on the legislative day of September 29, 2016, or September 30, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 30, 2016, relating to a measure making or continuing appropriations for the fiscal year ending September 30, 2017.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, I would like to believe that you requested this time today after having been with the Rules Committee last night debating this measure.

The rule, House Resolution 892, provides for structured debate of H.R. 5303, the Water Resources Development Act of 2016.

Now, for Members who have been here for more than one term, you are thinking: Didn't we just do a Water Resources Development Act of 2014?

Well, we absolutely did. We were supposed to. This is getting us back on track to—Congress after Congress after Congress—focus on the water resources of our Nation.

In this rule today, we are going to make in order the general debate on the WRDA bill, the Water Resources Development Act, as well as a number of amendments on both sides. But I want to make it clear that the Rules Committee is not done. When Congressman HASTINGS and I finish here on the floor, we will head back to the Rules Committee and we will make even more amendments in order for debate. There are 25 amendments, bipartisan amendments, made in order by the rule that we are debating today. And, again, we will return to committee to make additional amendments in order this afternoon.

It would, no doubt, have been easier to make all the amendments available in one package. But as so often happens, Mr. Speaker, when you have a bill of this magnitude, of this importance, as the Water Resources Development Act is, you have an abundance of interest from across this Chamber. I believe the Rules Committee has received over 90 amendments to improve upon this legislation from Members who have important issues that they would like to see debated. That is why you see a two-rule process for this particular bill today.

For folks who don't have the pleasure of serving on the Transportation and Infrastructure Committee, as you and I do, Mr. Speaker, I will tell you that the WRDA bill authorizes the U.S. Army Corps of Engineers for all of their activities across the spectrum from construction to maintenance. It is the water infrastructure maintenance of harbors and locks and dams of flood control projects and of water supply projects across the Nation, coast to coast.

The underlying bill continues the reforms that this Congress began and that the President signed in the WRRDA bill of 2014 by strongly asserting Congress' authority over Corps activities and, again, restoring the 2-year WRDA cycle that has been missing for far too long.

This return to regular order, Mr. Speaker, I would argue, is going to

take the politicking out of these projects and return the WRDA bill to being that bipartisan bill that focuses on Congress' priorities, as spoken by our constituents back home, rather than, as sometimes happens, the Corps taking direction from unelected bureaucrats downtown. I believe that we get a better work product when we collaborate together, again, manifesting the will of our constituency back home.

If you need to see what this return to regular order has meant, Mr. Speaker, just look at the 30 Chief's Reports or the 29 feasibility studies included in this bill. Again, if you don't serve on the Transportation and Infrastructure Committee, Chief's Reports and feasibility studies may not mean much to you. But if you are involved in water infrastructure anywhere in this country, you know that those reports are vital to moving your project forward and you know that the feasibility study is critical to moving your project forward.

Each one of these has been reviewed by the Transportation and Infrastructure Committee in public hearings, just as we had done in the WRRDA bill of 2014. Mr. Speaker, this kind of open and transparent process, I would argue, has given us a better work product in the underlying bill and is going to give us a better rule here today.

Mr. Speaker, when we talk about our waterways—I had to write the stats down here; I don't have them committed to memory—they are mind-boggling. Six hundred million tons of cargo are moving on our waterways, Mr. Speaker. That is \$230 billion in economic value moving on our inland waterways each year—\$1.4 trillion worth of goods moving in and out of our ports each year; \$320 billion in Federal, State, and local revenue generated by those ports. Over one-quarter—over one-quarter, Mr. Speaker, of the gross domestic product of the entire United States of America comes from international trade and 99 percent of cargo moves through the ports controlled by this legislation.

Mr. Speaker, we are talking about over 40 million American jobs tied to international trade and, again, supported by this bill brought out of committee in a bipartisan and unanimous fashion.

I am very proud to support the underlying bill. This bill makes in order time for the chairman and ranking member of the Transportation and Infrastructure Committee to debate this bill. I am very proud that the Rules Committee has seen fit to allow those Members who do not serve on the Transportation and Infrastructure Committee to make their voice heard as well.

Mr. Speaker, this is a definition of how we should be doing things in this institution. I am proud to bring this rule to the consideration of my colleagues today. I am proud of the underlying bill that this rule supports. I

hope all of my colleagues will join me in supporting the rural and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Georgia (Mr. WOODALL), my friend, for yielding me the customary 30 minutes.

Mr. Speaker, I rise today to debate the rule.

This legislation historically focuses on the U.S. Army Corps of Engineers and water resources infrastructure, such as dams and levees, serving as a vehicle to update Corps policies and authorize new individual Corps studies, projects, and modifications to ongoing projects.

This legislation could not be more important for our country, specifically my State, with its numerous Army Corps projects and water resources that Florida's diverse environment, ecosystem, and economy relies on.

I was pleased to see that this legislation includes authorization for the dredging of Port Everglades. I have lived with that request for 18 years of my career here in Congress. This is a project that has seen a long road to fruition, and that will be an immense boost to south Florida's economy.

Furthermore, as co-chair of the House Everglades Caucus, my fellow caucus members, relevant stakeholders, and I have for years worked tirelessly to make the goal of Everglades restoration a reality. It is with this goal in mind that I support and applaud the inclusion of the Central Everglades Planning Project authorization in this bill.

This authorization will mean almost \$2 billion of Federal and non-Federal money will be put towards vital restoration projects that will help one of the world's most diverse and unique ecosystems thrive once again.

We still have a long way to go to bring the Everglades back to full ecological prosperity, and many challenges remain ahead; but by authorizing this project, we will be able to take a determined step in the right direction, helping Florida's environment and economy.

Mr. Speaker, while I am pleased that this bill includes authorizations for critical water projects important to the State of Florida and for many other States around the country, I am disheartened to see a measure that was reported favorably out of the Transportation and Infrastructure Committee with bipartisan support become shamefully transformed by Republican leadership.

Under the guise of a budgetary point of order, the Republican leadership stripped a provision that would have unlocked the harbor maintenance trust fund to ensure that revenues collected from shippers are used to actually maintain U.S. coastal and Great Lakes harbors.

So after working in a strong bipartisan fashion to craft a bill that all

Members could support and after reporting the bill by voice vote, the majority saw fit to sabotage the good faith negotiating and hard work by—and I underscore one Member, a friend of mine—the gentlewoman from California (Ms. HAHN), who has worked on this the entirety of the time that she has been here in Congress, and I am sure serves as a disappointment for her. She will speak to that later.

Mr. Speaker, later today we will be debating a rule for a bill that, once again, attacks the Affordable Care Act. That bill also had two points of order made against it. Yet, the majority provided that legislation with a waiver against those points of order. With these contrasting decisions, the majority has revealed its hypocrisy.

Work in a bipartisan fashion on a major infrastructure bill that gets favorably voice voted out of committee and leadership changes the bill and provides no waiver.

Attack the Affordable Care Act in a red meat political messaging bill for the extreme right and leadership allows a waiver of the point of order so the bill may move forward.

Mr. Speaker, I am also disheartened to see that this legislation does not have any funding to help the people of Flint and that my good friend, the Member who represents the city of Flint in this House, Congressman KILDEE, did not have his amendment, which would have provided much-needed relief to the citizens of Flint, made in order.

□ 1245

I am sure, if time permits, he will speak to the issue as well. Congressman KILDEE sought this waiver of the rules so that his amendment could be made in order. This request was denied.

Mr. Speaker, the majority grants waivers of points of order all the time. I have had the good fortune of being on the Rules Committee, both in the majority—perhaps, not often enough, in my mind—and in the minority. This Congress alone, as when Democrats were in charge, made waivers when they felt like doing so. My Republican friends have granted 249 waivers; yet they denied a waiver to address a critical public health crisis. There is plenty of blame to go around as to the cause of this crisis.

I said last night that I understand the implications of the State and the local governments' responsibilities, but I also feel, when children are poisoned, that the Federal Government has an immense responsibility. To me, women, children, and the elderly becoming ill because of lead-tainted water is an "everybody" problem, and this body has a political and a moral responsibility to help the people of Flint right this wrong.

Simply put, Mr. Speaker, if we can't get a waiver of the rules after this House works in a truly bipartisan way to address the issues of our country or to help children who have been drink-

ing poisoned water in their hometowns, then when can we get a waiver?

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

My friend from Florida is very earnest in his comments. One of the reasons I enjoy working with him so much on the Rules Committee is we get to work on issues that affect people's lives—that make a difference for folks back home. Even though we are here debating the WRDA bill, I would be remiss if I let the reference to the CO-OP bill, coming later on today, pass as being an attack on ObamaCare or even pass as being a waiver of the budget rules.

Mr. Speaker, if you have had a chance to look at that, what you know is that, when U.S. citizens were forced out of the insurance policies that they liked and into the ObamaCare system and when those ObamaCare policies they were forced into failed midyear and they lost the insurance that they were forced into after having already lost the insurance that they had chosen for themselves, the law said we are now going to come and tax you—penalize you—once again because you have let your insurance policy lapse.

This is the absurdity of having lost your insurance policy because the law took it from you, of having the law force you into a second insurance policy, which then collapses under its own weight because it cannot support itself, and then of you, the American taxpayer, having to be on the hook. So the budget point of order, which is absolutely waived, waives the absurd proposition that the Federal Government was entitled to tax American citizens who have been twice failed by ObamaCare because we were expecting them to pay a penalty for having lost their care midyear.

This is something that unites us. This is not something that divides us. We have an opportunity in the next rule that comes up—in the next bill that comes up—to step in for those American families who, again, lost the insurance they wanted, who lost the insurance they were forced into, and who are now being faced with an IRS penalty for their troubles. I think this is something that our constituents have sent us here to do, and I am glad we are going to be taking action on that later today.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. DEFAZIO. I thank the gentleman for yielding.

Mr. Speaker, the gentleman mentioned in his opening remarks one of the greatest disappointments. This bill did come out of committee unanimously—bipartisan—in a very fiscally responsible manner, which is that we

levy a tax on all goods that are imported into this country. Every American pays a little bit more for any imported good he buys under the premise that that money will be used to maintain and construct our harbors and critical port facilities.

Unfortunately, every year, the Republicans have seen fit to divert \$400 million to \$500 million of that tax into something else. They spend it somewhere else. They pretend they are reducing the deficit—whatever. We do not know. Meanwhile, our harbors are silting in; our jetties are failing; and many major projects are delayed. In fact, we are going to authorize a bunch of new projects here—billions of dollars worth of projects. Unfortunately, the Corps already has authorized—but yet has unconstructed and unfunded—\$68 billion worth. They are saying we can't use the tax dollars—that we can't use the dollars which Americans are paying a little bit more of for all of their imported goods—for the purpose for which the law was intended: dredging our harbors. Here are just two examples.

We have Savannah—a major project. We have to deal with the post-Panamax ship. Unfortunately, we are going to have a \$15 million-a-year deficit in terms of maintaining that project once it is constructed. We also have the Port of Charleston—\$5 million a year short. Now, if that \$400 million were not being diverted by the Republican majority to other purposes, those projects and others around the country could be fully funded.

I have been working on this provision for 20 years, starting with Bud Shuster, the dad of the current chair of the committee. It came out of committee unanimously with support on the Republican and Democratic sides; yet the Rules Committee stripped it out. They stripped it out because they want to keep playing with that money and diverting it away from critical needs.

Then one other thing. We are talking about critical infrastructure and the huge backlog. There is an earmark in this. Earmarks are banned. Technically, they kind of get around that. There is a \$520 million earmark for a project that has had no cost-benefit analysis, that has not been approved by the Corps of Engineers but that, in fact, will include such critical infrastructure as a splash park, a swimming pool, ball fields, et cetera. Harbor maintenance tax dollars will be spent on these projects in a \$520 million boondoggle that has never had a cost-benefit analysis because one member of the Appropriations Committee managed to slip it into an appropriations bill years ago. Then, with a little sleight of hand, he said: "Oh, well. Yeah. It was never authorized, never evaluated; but if we tweak it a little bit and say, 'Well, we are modifying it,' then we can say, 'Oh, it is okay.'"

This is not exactly on the up-and-up here today, folks. We are diverting precious tax dollars away from critical in-

frastructure to whatever kind of special things the Republicans have somewhere else that they want to fund, and we are funding boondoggles and earmarks to the tune of a half a billion dollars.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS. I yield the gentleman from Oregon an additional 1 minute.

Mr. DEFAZIO. To just get back to the core of this, other than that, it is a pretty good bill.

It is critical that we maintain our ports and our infrastructure, and it is critical for our competition—the world economy; but we need to stop hoodwinking the American people. If you are not going to spend the tax for the purpose for which it was collected—harbor maintenance and construction—then lower the tax, because every American is paying a little bit more for every imported good. Besides that, they are paying a lot more because the ships are way out to sea, in line, because they can't access our ports, again, because of deferred maintenance at portside facilities.

We have got that money. We are collecting the tax. Let's spend the tax in the way in which it is authorized under the law of the United States of America, and let's stop playing games.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I say, in broad terms, that I support what the gentleman from Oregon has just said. I served with him on the Transportation and Infrastructure Committee. I was one of the folks who supported the bill that unanimously left committee. The great State of Georgia is dependent on the Port of Savannah, about which the gentleman from Oregon has just laid out the critical funding infrastructure needs.

The question with the harbor maintenance trust fund, I want to be clear, is not one of the diversions of those resources. We often talk about trust funds as if someone is dipping his hand in and taking money out of the trust funds, and there is not a single person who works at a single port in the great State of Georgia who believes that is true—because it is not. The trust fund still sits there. The gentleman's point is that we should be spending the money in the trust fund, and he is absolutely right about that. Correct any misunderstanding. No one is spending those resources elsewhere. Those resources are still in the trust fund, and they ought to be spent.

The question then becomes for this Chamber: Are we going to delegate that authority, as we do time and time again, to the administration, and the administration will spend that money any way the administration sees fit; or will we, utilizing the constitutional powers not given to this body but required of this body, spend those dollars as our constituents see fit—in an accountable fashion, not by unelected bureaucrats, but by folks who are elected

and who stand for election every 2 years?

These dollars need to go out the door. The Port of Savannah is critical because it is so big. The Port of Brunswick, in Georgia, is even more challenged by dredging that hasn't happened but that should have happened. The project that my friend from Florida mentioned, the Everglades, is not a local port project in Florida; that is a project of national significance. We all stand for the restoration that needs to happen there in the Everglades, a national environmental and natural treasure. We have failed in making those decisions, and if we delegate this authority in its entirety to the administration, I tell you that we will have failed our constituents again.

Mr. Speaker, you were with me and the chairman last night in the Rules Committee. Chairman SHUSTER wants to solve this problem. Chairman SHUSTER wants what I want, and I want what Mr. DEFAZIO wants; and what Mr. DEFAZIO wants is for us to live up to our obligation to maintain America's critical port and waterway infrastructure—we can and we should and we will—but delegating it to the administration does none of those things. That, we should not do. We have an opportunity to do it the right way.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Ms. HAHN).

Ms. HAHN. I thank my colleague, Representative HASTINGS, for yielding, and I thank the gentleman earlier for recognizing my work on this issue since I have come to Congress.

Mr. Speaker, I rise in opposition to the rule for this bill. My colleagues and I, first of all, have been fighting for much-needed funding for the children who have been poisoned in Flint, Michigan. This bill should have included help for them. These families have waited too long, and it is inexcusable that we have not passed legislation on their behalf. I am also opposing this bill because an important provision that would take the harbor maintenance trust fund off budget was stripped from this bill after we passed it out of committee unanimously—with true bipartisan support.

When I first came to Congress 5 years ago, I didn't think we were talking about our Nation's ports enough, and I started the bipartisan Congressional Ports Caucus, which now has over 100 members, both Democrats and Republicans. Some are in the caucus who don't even have a port that they represent; but, together, we have brought new attention to the problems that are facing our Nation's ports and the impact that they have on our economy.

One of our caucus' priorities has been taking the harbor maintenance trust fund off budget so that Congress cannot use these funds for any other reason or keep them in a surplus that is not going to the purpose for which they were intended. Shippers have been paying billions of dollars into this fund for

the purpose of maintaining our ports so that we can continue to have goods movement and the international trade industry be at the core of our economy in this country.

□ 1300

We had a \$9 billion surplus at one point. That is criminal to have that money just sitting here not going back to our ports. In fact, over the last decade, less than 60 percent of the revenues that we have collected have been used to maintain and dredge our ports. This is unacceptable. Money that is collected at our ports, for our ports, should go back to our ports.

Jo-Ellen Darcy, the head of the Army Corps of Engineers, told me that if she had the appropriate funding—which means we should take the harbor maintenance trust fund off-budget—all of our ports in this country could be dredged in 5 years. Not only would this create jobs, it would prepare ports across the country for the larger ships coming through the expanded Panama Canal.

We made great headway on this issue in 2014 by passing a bipartisan WRRDA bill that established annual spending targets that led to the full use of these revenues by 2025.

However, less than 2 months after that was passed, I was back here on the floor with my colleague, Representative HUIZENGA, fighting for the appropriations funding that matched what was set in our water bill, and we have had to keep fighting for that ever since.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from California.

Ms. HAHN. Mr. Speaker, my colleagues and I in the Transportation Committee, both Democrats and Republicans, decided to address this injustice in May when we passed a bipartisan bill that included the provision to finally take the harbor maintenance trust fund off-budget. However, much to my shock and dismay, this provision was stripped out after we passed the bill out of committee.

We cannot continue to neglect our port infrastructure and put at risk job growth, our economy, and global competitiveness. For these reasons, I cannot support this rule and WRDA in its current form, and I encourage my colleagues to do the same.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has to be said the gentlewoman from California (Ms. HAHN) is an amazing advocate for the harbor maintenance trust fund. She represents a critically important port infrastructure. It is critically important not just for her area, but to the entire United States of America.

I do the same on the Eastern seaboard, the port in Savannah. Mr. Speaker, is the fastest growing container port in the country. It is not a

catalyst for growth in Georgia; it is a catalyst for growth across the United States of America, particularly in the Southeastern portion.

The gentlewoman was absolutely right, we made some great progress in 2014. We came to an agreement that we need to do more. We have the ability to do more, and we need to do more. That is not the question today, Mr. Speaker. You will not find any reference made by any member of the Transportation and Infrastructure Committee suggesting that they don't want to do more.

The question is: Will we do what we do so often, and that is to decide that Congress cannot be trusted with these decisions and let's just punt to the administration?

Now, I will tell you what that means for Savannah since we saw a banner up here earlier on the floor talking about the Savannah port. What that means for Savannah is that while the Corps of Engineers says that we can get this port fully operational for Panamax ships within 6½ years, providing taxpayers the maximum bang for their buck—the administration funded it not over 6½ years. They didn't provide enough funding for it to get done in 10 years. They didn't provide enough funding for it to get done in 20 years—the funding that was recommended by the administration stretched the construction out over two decades.

Who wins in that? Who wins in that?

I will tell you that an advocate for the port system, as the gentlewoman from California is, would not spend taxpayers dollars that way. I would not spend taxpayer dollars that way and you would not spend taxpayer dollars that way.

Is this institution at fault for not maximizing the utility of the harbor maintenance trust fund?

Yes. Yes.

Will this institution compound that fault by delegating the authority away to the administration?

The answer is yes.

I would say to my friends that the nature of a trust fund is that it is there when we need it most. What the gentlewoman from California described is the spend-up program that was going on over a decade recognized that. It recognized that there is going to be a rainy day here where we are going to need to dip in, where the revenues won't be what we expected. The nature of a trust fund is not to spend it to zero every year. The nature of a trust fund is to have it there when you need it.

We are working together to do more here, Mr. Speaker. But when the objection is made—and I will read it in part. Section 108 is the provision that we are talking about being stripped, and it allows the Corps to use the funds available in the harbor maintenance trust fund without further appropriation by Congress.

Mr. Speaker, in the 1960s, when you looked at the Federal budget, about one-third of that Federal budget was

on autopilot, just going right out the door every year primarily for income support programs. Two-thirds of that budget was investing in the United States of America, growing the United States of America, focused on our kids, focused on our ports, focused on our schools, focused on our parks, focused on innovation and infrastructure.

Today, that same chart has been flipped. Two-thirds of the Federal budget is on autopilot, and only one-third is left to the discretion of this institution.

I say to my friends that I think more of us as a body than to say that we can't get this done. Fair enough if folks want to look back at history and say: But, ROB, we have been trying to get this done and we haven't gotten it done right yet.

I can see that is true. We have come closer together than we have ever come before. More than 50 percent of this body has been here 6 years or less. More than 50 percent of this body does not know of the failures. They only know of their desire to succeed, and that is why we have come closer than we have ever come before. Let's not punt today. Let's not concede failure today. Let's not decide that the President, whoever he or she may be next cycle, is going to know better than us tomorrow, better than our constituents tomorrow. Let's just do the job that we were sent here to do, and we have never been closer to celebrating that success together. I hope we will get there.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my very good friend who also is an appropriator.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS)—who I concur is my very good friend—for his leadership on behalf of Florida and particularly in protecting our beloved Everglades.

While I support the underlying bill because of the critical investments the Army Corps of Engineers will make at Port Everglades and in restoring the Everglades, I, unfortunately, rise today in opposition to the partisan fashion in which the Water Resources Development Act, or WRDA, has been brought to this floor.

I am proud the Central Everglades project, which is authorized by this bill, will provide over a billion dollars in Federal and non-Federal funds to continue the essential work of restoring the Florida Everglades.

The Everglades, which we call affectionately the River of Grass, is home to thousands of rare species and its survival relies on the flow of water and a high standard of water quality throughout our State of Florida.

Restoring historic water flow is not only critical for the Everglades and for its ecosystem, but it also boosts critical freshwater supplies that are essential to the daily lives of millions of

Floridians and the very future of a Florida we call home.

Additionally, I am proud that WRDA includes authorization for the Port Everglades—not the same—the Port Everglades harbor dredging project. This has been an almost astounding 20-year planning process. It shouldn't have taken that long, and we are thrilled that we are finally here.

The deepening and widening of the channels at Port Everglades will allow south Florida to receive cargo from larger ships, the post-Panamax cargo ships coming from the widened Panama Canal. That will create nearly 1,500 new jobs in south Florida and over 29,000 related jobs statewide through the new commerce coming through the port.

However, I also want to reflect on the majority's obstructionism. For months, Democrats, led by Representative KILDEE, have urged the majority to help Flint and other communities that have been exposed to lead to fund the necessary repairs to water infrastructure, as well as replace that which has been corroded and allowed lead to leach into the water system.

I visited Flint in March and spoke to families exposed to lead in their water and whose children may have been exposed. As a mother of three children myself, I am outraged for those mothers in Flint who learned that the water their children have been drinking for months is dangerous and could have long-term effects on their children's development.

As Americans suffer, Republican leadership's continued recklessness—and specifically their refusal to include funding for Flint in WRDA—is unconscionable.

Have you no heart or soul? Do you not feel for someone else's children besides your own?

The tone deafness is astounding. The majority has even withheld a vote on the matter. They won't even let us vote, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the majority has even withheld a vote on the matter, refusing to rule in order Mr. KILDEE's amendment, the Families of Flint Act. They have no conscience. If they did, they would allow a vote.

Vote "no," as I have said many times on this floor. Vote "no."

Have the courage of your convictions, but let the democratic process work. Trust this body. As the gentleman has just said on the harbor maintenance trust fund, trust this body to make the decision together. You can't have it both ways. You either trust this body to cast their votes accordingly or you don't. You can't pick and choose because you are playing politics with the lives of children if you do.

For this reason, I urge a "no" vote on the rule.

Mr. WOODALL. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SANFORD), who represents the Port of Charleston that we saw on the map earlier.

Mr. SANFORD. Mr. Speaker, I want to first commend the gentleman from Georgia (Mr. WOODALL) for what he has done on this bill. It would take the wisdom of Solomon to get all the competing interests and all the competing views perfectly happy on this bill.

What I think the gentleman has done in the Rules Committee is to recognize that this is a bill that cannot wait. It is a bill whose time has come. He has absolutely the courage of his convictions. He has got a whole lot of heart and a whole lot of soul, and he has worked with other Members to say this is a bill as best constructed as we can get it and we have got to move.

The question on the underlying bill that I think Ranking Member DEFazio and Chairman SHUSTER have worked so hard on is one that is complex in nature but incredibly simple in what it produces. It produces a couple of things that, I think, are worth consideration.

First, it produces something that has everything to do with what Mr. WOODALL was just talking about on the way that our budget used to be configured. There used to be a budget in the United States that was built around what are we going to do, what are we going to invest in our country to make our country more competitive. We have gone on to an entitlement budget that both the Republican and Democratic side would say doesn't work for a lot of folks out there and is a financial train wreck.

I thought it was fascinating, in fact, that Mario Draghi, who is the head of the European Central Bank, said in Brussels yesterday that it is "not enough for delivering real and sustainable growth in the long term" if we continue down this road of low interest rates. In fact, he said a continued path of low interest rates has harmful side effects.

I think we have seen that with a lot of retirees out there. A lot of folks who have pension plans that are depending on what comes next in financial markets are being hurt with this financial engineering. What he said, in short, was to be competitive in the world economy, you cannot continue to rest on this notion of financial engineering as a way to get you there.

So what this bill is ultimately about, as Mr. WOODALL was just pointing out, we have got to move from the European Central Bank's financial engineering as the way in which we are supposedly competitive as an economy and go back to the basics, back to the basics of where we are on tax policy, back to the basics of where we are on regulatory policy, back to the basics on spending, taxes.

Go down the list, but among the things on that list is this notion of in-

vesting in infrastructure. It is important not only in terms of making our economy more competitive; it is also important if you care about the debt and deficit. The only way we can close that gap is not spending restraint, but also by growing the economy; and that this is, in fact, a linchpin to growing the economy and, therefore, it cannot wait.

I think he also recognizes what Thomas Friedman talks about in this so-called flat world that we live in; that it is an increasingly competitive world. I thought it was interesting that Hillary Clinton mentioned last night in the debate that 95 percent of the folks in the world live out there and 5 percent live in the United States, and we have got to trade with them. And disproportionately, the way in which we trade, almost 90 percent of what we buy in markets around this country got here by container.

So we have got to go about this business of upgrading our port facilities, for instance. That is why I think that, as Representative WASSERMAN SCHULTZ was just mentioning, it is important what is happening in Port Everglades. It is important what is happening in the port in Miami. It is important to what is happening in the port in Lake Charleston.

Do I have a hometown component to the fact that I like Charleston and South Carolina?

Yes. But it has everything to do with the growth of the region based on the Panama Canal being widened and based on post-Panamax-sized ships coming to the East Coast, Gulf Coast, and West Coast ports in this country. To be competitive, we have got to be continuing this process on a regular basis of upgrading our infrastructure.

□ 1315

Finally, this is about a change in process, if you look at the underlying bill. The Founding Fathers talked about *e pluribus unum*—from the many, one—and too often we have gotten away from that; we have gotten to a Balkanized look at the way districts work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOODALL. Mr. Speaker, I yield an additional 1 minute to the gentleman from South Carolina.

Mr. SANFORD. Mr. Speaker, we have got to go about looking at the national needs of this country as opposed to just the regional needs or the local needs.

We got off on the notion of earmarks, and at times our answer is just to cede to the executive branch that deliberation. I think that what this bill correctly does is it pulls back to Congress that which the Constitution vested with the Congress in deliberation of these kinds of matters, which makes it incredibly important.

Mr. HASTINGS. Mr. Speaker, would you advise both of us how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 12 minutes remaining. The gentleman from Georgia has 10 minutes remaining.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

If we defeat the previous question, I am going to offer an amendment to the rule to bring up a desperately needed \$220 million aid package for the people of Flint, Michigan, who have been without clean drinking water for the last 2 years.

Mr. Speaker, we have known about this manmade catastrophe for more than a year, and we didn't give the waiver last night to Mr. KILDEE's amendment. We have provisions to deal with manmade catastrophes dealing with a variety of issues, prominent among them when a freight rail goes off the tracks and causes their freight, that may very well be harmful to a community, to pollute that community. We act, as we should have here.

The Republican majority continues to do nothing about this, hiding behind House rules to block funding and justify its inaction. I really don't understand it. I said last night to all of our colleagues, if it was any one of our communities—and I might add a footnote right there, there are other communities in the United States of America that do have problems with lead poisoning, and it augurs well that we should consider them as well. However, we all know the circumstances of Flint, Michigan.

Mr. Speaker, American families are being poisoned by lead-contaminated water. When that happens, we have a moral responsibility to act now. We can't wait any longer. I have heard around here that it is a local and a State responsibility. Well, if that is the case, we need to shut this institution down because everything, then, would be a local and a State responsibility, and all of our infrastructure issues of consequence would be a State and a local issue, as they are, but the Federal Government has responsibilities as well.

While there is enough blame to go around about Flint, the simple fact of the matter is—and I am sure the next speaker will point it out—the United States Senate has seen, in its wisdom, 95-3 they have voted—95-3—to provide the \$220 million, which is nothing more than a start to try and do what is necessary in order for people to be uplifted. This is an area of our country, if we were talking 40 years ago, that was a driving engine of this country, that portion of Michigan.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS. Mr. Speaker, I yield 4 minutes to the distinguished gen-

tleman from Michigan (Mr. KILDEE), my friend who has worked tirelessly on behalf of his constituents, to discuss our proposal. I find it shameful that he has to once again come here and ask for what we could have done in the Committee on Rules last night by giving him the necessary waiver for his amendment to be put on the floor and at least voted on.

Mr. KILDEE. Mr. Speaker, I thank my friend, Mr. HASTINGS, so much for his kind words, for yielding, and for his unyielding support for the people of my home community. It means a lot to me.

I rise in opposition to the previous question so that I can bring up something that I hoped I was going to be able to bring up through the amendment process or could have been inserted in this bill in the first place, and that is the relief for the people of Flint that, as my friend said, passed the United States Senate 95-3. And yet at every turn, the Republican leadership in this body finds a reason, some kind of an excuse, or some kind of technicality to prevent us from providing help to a whole city that has been poisoned and continues to have water that is unsafe to drink.

This is a water resources bill. The Speaker said that, no, it shouldn't be in the continuing resolution, this help for Flint; it should be in WRDA. The majority leader, Mr. MCCARTHY, said this should come up in WRDA. So last night, I went to the Committee on Rules, offered the amendment to put the language in WRDA, and on a party line vote, of course, the answer was no, nothing for the people of Flint, a city that is being poisoned by its own water. The Federal Government has the opportunity to help. Nothing.

When the Speaker said that this is where the conversation should take place on Flint, I assumed that that meant a conversation would take place and we could debate the merit of this paid-for provision to help the people of Flint. But the conversation, I suppose, that the Speaker anticipated went something like this: No, nothing for Flint, end of conversation. That is shameful. What are we here for, for God's sake? Why do we come to this place if not to do the work of the American people?

We have waived the rules in this Congress—not just since I have been here, but in this 114th Congress—to make way for legislation that needs to come to the floor because it was someone's priority 249 times. Twice in this rule we waived the rules of the House of Representatives in order to get legislation to the floor.

Let me ask a question. If there is ever a time when we ought to do everything we can, including waiving a point of order, it would be to take up relief for a city that is drinking poison, relief that the Senate has already passed 95-3. But what do the people of Flint get? Lip service. Nothing. Excuses. It is a shame.

This is the Congress of the United States. Let me give you a civics lesson for those of you who may be listening. The city of Flint happens to be in the United States of America. We have an obligation to all Americans. So when Mr. HASTINGS is confused, I share that confusion. What is it? Why is it that the majority will do backflips to bend the rules, to break the rules, to amend the rules, and to waive the rules to achieve whatever their particular goal might be? But, no, when it comes to the people of Flint, you are on your own.

Mr. HASTINGS. Will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Florida.

Mr. HASTINGS. Is the \$220 million that the Senate passed 95-3 paid for?

Mr. KILDEE. It is fully paid for.

I thank the gentleman for the question. Fully paid for.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. KILDEE. So we have a fully paid-for provision. There is no excuse. It will not increase the deficit. So it does beg the question: Why? Or a better way to put it: Why not?

I have to admit, Mr. Speaker, I am coming to a conclusion that I don't want to come to, that the leadership in this House, when they think about Flint or when they look at Flint, sees something different. They don't see American citizens. They don't see people in need. But there is something about this poor community, this poor majority minority community that exempts them from the kind of help that we have provided time and time again to people in crisis in this country.

I hate to come to the conclusion that there is something about these people that causes this Congress to decide they don't deserve that help. That is a shame.

Mr. WOODALL. Mr. Speaker, I am so incensed by that presentation. I know my friend is passionate for his folks. I live in a majority minority county. And if you want to know, if any folks are watching this, and they want to know why we can't get things done together, they could use that presentation as the expose of why we are divided instead of united.

How dare you suggest that folks don't care about your community. How dare you suggest that race is the basis of this. How dare you, when I sat in my committee working on this issue hour after hour and not one Member brought this up, not one Member brought this to the committee.

I am incensed. Mr. Speaker, we owe each other better than that. You all are better than that. This institution is better than that. I know the gentleman is passionate, but that kind of vitriol is not going to get us to where I know you and I both want us to be.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I appreciate and understand the gentleman's comment. My point is this: Prove me wrong. Prove me wrong. You have it in your power to take up this legislation. It is not me who is blocking this legislation. I don't want to come to this conclusion. It is very difficult to, time and time again, take this question to the floor of the House and wonder why Flint is exempt.

Sympathy does not get anywhere. I understand there is all sorts of sympathy for the people of Flint. Well wishes. But when it comes time to act, when it comes time to actually do something for this community, nothing.

Mr. WOODALL. Mr. Speaker, I would say to my friend from Florida, I do not have any further speakers remaining, and I am prepared to close if he is.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I was happy to see the Committee on Transportation and Infrastructure work in such a bipartisan way to address the water infrastructure needs of our Nation. I applaud the chairman and ranking member and all of the members on the committee for negotiating a measure that they were able to report favorably by voice vote. I am also especially happy to see so many important projects from my State included in the measure.

However, leadership has once again proved that they are unable to free themselves from the chains of partisanship and have, therefore, scuttled a bipartisan bill that came out of committee on voice vote, and they did so at the last possible moment.

The American people, many of them, are sickened by and tired of the games that we play here in the House of Representatives. All of the American people deserve better.

Mr. Speaker, I yield back the balance of my time.

□ 1330

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start by picking up where my friend from Florida left off, and that is that this was an amazing work product that came out of the Transportation and Infrastructure Committee.

I love serving on the Transportation and Infrastructure Committee. We have got a lot of good men and women from all across the country on it; and, yes, we are able to come together and do things that perhaps other committees in this House could not come together and do.

That doesn't happen on its own. I want to recognize all the folks—not just the members on the committee—like Geoff Bowman, Matt Sturges, and Collin McCune, who serve in a staff role on that committee, bringing all of

this paperwork together so that we can get about the people's business.

Mr. Speaker, we have talked about a lot of different things in this rule to deal with the WRDA bill. Most of them don't have anything to do with the WRDA bill. Folks don't know back home. My friend from Florida is absolutely right. People are sick and tired of the games they see going on in Washington. As my friend knows, committee jurisdiction isn't a game. It is the rules that we play by in order to get work done, in order to make sure that subject matter experts are working on individual pieces of legislation.

I sit on Transportation and Infrastructure. I am a subject matter expert on Transportation and Infrastructure. I have absolutely no jurisdiction over the EPA or clean drinking water at all, and I don't have any expertise over it. I don't have any expertise.

When my friend from Michigan asked why more isn't being done, I don't know. I look at a CNN article about my hometown of Atlanta that says our drinking water infrastructure is being delivered with pipes constructed in the 1800s. I look at a report from CNN that says 4,500 drinking water facilities across this country are failing the EPA lead test today—that is 4,500.

I don't know why the folks with jurisdiction over those issues are not at work on it. Do I think the EPA bears responsibility for letting folks, as the articles go on to say, cheat with impunity, that it just became a culture in local drinking waters that you could misreport and the EPA would just wink and nod and go along with it? Is there blame to go around, as my friend from Florida said? Of course, there is.

One of the great surprises, Mr. Speaker, of coming to serve in this body is the caliber of the men and women that I have gotten to serve with. I get to read the reports on TV about Congress playing games, about partisanship, about folks who don't care about one another, and I know it is not true. I get to read about folks who care only about feathering their own nest or pursuing their own career, who don't care about serving men and women in their times of need, and I know that it is not true. I hear about folks who would rather put party above people, and I know that it is not true. That is because I know him, I know him, and I know him, and right on down the line.

This bill, Mr. Speaker, is not going to solve all of the ills of this country. It is not even going to solve a large part of them. It is going to solve one little part as it deals with the critical water infrastructure of our ports and waterways on which so many millions of American jobs depend.

I don't propose that we pass this rule and pass the underlying bill and absolve ourselves of any other responsibility. I propose that we pass this rule and we pass this underlying bill so that we can get about the rest of our responsibilities. One issue at a time, Mr.

Speaker, working together, Member to Member, community to community, we would amaze the American people with what we could get done.

I urge all my colleagues to support this rule; support the underlying bill.

Mr. SESSIONS. Mr. Speaker, H. Res. 892, the special order of business governing consideration of H.R. 5303, the Water Resources Development Act of 2016, included a prophylactic waiver of points of order against the amendments made in order in House Report 114-790. The waiver of all points of order now includes a waiver of clause 9 of rule XXI, which requires that if a sponsor of the first amendment as designated in a report of the Committee on Rules to accompany a resolution sits on a committee of initial referral, that sponsor must have a list of congressional earmarks, limited tax benefits, or limited tariff benefits in the amendment to be printed in the CONGRESSIONAL RECORD prior to its consideration. However, it is important to note that the sponsor of amendment 1 in the committee report has since submitted the required statement.

The material previously referred to by Mr. HASTINGS is as follows:

AN AMENDMENT TO H. RES. 892 OFFERED BY
MR. HASTINGS

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution, the amendment submitted by Representative Kildee of Michigan for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII dated September 27, 2016, shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Kildee of Michigan or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a

vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 954, CO-OP CONSUMER PROTECTION ACT OF 2016

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 954) to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program. All points of order against consider-

ation of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 893 provides for consideration of H.R. 954, the CO-OP Consumer Protection Act of 2016. The rule provides 1 hour of debate, equally divided among the majority and minority of the Committee on Ways and Means. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules made no further amendments in order; however, the rule affords the minority the customary motion to recommit.

Under the rule, we will be considering a bill to prevent a tax increase imposed on the American people by the Affordable Care Act. This will affect many Americans through no fault of their own and due to circumstances beyond their control. The bill advanced through regular order and was reported favorably out of the Committee on Ways and Means on a voice vote earlier this month.

The Affordable Care Act established a program to provide taxpayer-funded loans for Consumer Operated and Oriented Plan program, better known as the CO-OP program. The Centers for Medicare and Medicaid Services funded 24 CO-OPs in 23 States. Of those 24 CO-OPs, 1 failed before it ever enrolled a single individual, and just 6 remain open today. The 17 failed CO-OPs received over \$1.8 billion in taxpayer funds and, to date, none of those CO-OPs has paid back any of those loans.

In addition to wasting billions of taxpayer dollars, the CO-OPs have created instability and hardship for hundreds of thousands of individuals who relied on CO-OPs for insurance coverage. Under the Affordable Care Act, individ-

uals must be covered by a health plan that provides minimum essential coverage or pay a tax for failure to maintain coverage. Thus, victims of failed CO-OPs were penalized, despite their efforts to be in compliance with the law.

The magnitude of this problem for affected individuals is significant. They are left without coverage for health care. They face increased financial burdens and tax penalties. H.R. 954, the CO-OP Consumer Protection Act of 2016, would provide targeted relief by creating an exemption from the individual health insurance mandate for individuals who have coverage under a CO-OP that fails.

H.R. 954 would be effective retroactively, starting January 1, 2014, and would also protect consumers of the remaining six CO-OPS going forward. While the administration and some of my counterparts have noted that consumers affected by a close CO-OP could have purchased new plans during a special enrollment period, this comes up short. Those victims of failed CO-OPs had to start anew in paying deductibles for a new plan well into the coverage year, and continuity of care could be significantly disrupted, based on changes to provider networks.

H.R. 954 does not make these individuals whole, but it is the right thing to do. Across America, individuals do not even have the basic assurance that their insurance carrier will not simply vanish in the night. We should all be able to agree that these individuals should not also then face penalties under the individual mandate.

H.R. 954 advanced through regular order and was favorably reported out of the Committee on Ways and Means. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Here we are again, Mr. Speaker, discussing a bill that, whatever its merits and noble intentions are, of course, of trying to hold harmless the victims of organizations that go out of business, will meet a veto.

The Statement of Administration Policy says, if the President were presented with H.R. 954, he would veto the bill. That is the strongest kind of veto message that we get. Sometimes they say his advisers say he might or he is going to consider it. It says he would veto it.

So here we are again, in the precious little time that this body has before it sends everybody back to their district, when we could be addressing Zika, when we could be addressing Flint, when we could be addressing immigration reform, when we could pass a balanced budget amendment, or any of those things that I hear from my constituents every day. Instead, we are pursuing a bill that won't become law.

This bill will not become law. The President has indicated he would veto

it. So we are just taking up the time of this body to debate a bill that affects people in a few States. Of course, I understand Iowa and Nebraska share one of the CO-OPs that went out of business. New York and Oregon are the others.

I hail from a State where the CO-OP went out of business. I would add that it went out of business, with the actions of State regulators, at the right time, namely, before the enrollment period.

So the question I brought before the Rules Committee yesterday, and I think it is very important for anybody who supports this bill to answer: Why did the State regulators in those States allow those CO-OPs to fail mid-period? Why weren't they ahead of the curve in those States to make sure that, if they had to fail, they did so in an orderly manner prior to the enrollment period? It is irresponsible of State regulators to allow insolvent plans into the marketplace.

Instead of discussing that and instead of launching an investigation into that, instead of having a GAO report on that, we are just doing a bill that effectively bails them out. Another Republican taxpayer bailout bill that we have before us today.

I have always been a big fan of the CO-OPs. In fact, the Consumer Operated and Oriented Plan program was created to support the development of nonprofit health insurance options in the individual marketplace. They face a lot of challenges. And, sadly, in fact, we wouldn't even be dealing with the fact that 17 of them have gone out of business if the Republicans hadn't put a provision in the omnibus in 2016—which I was proud to oppose for this reason, among many others—that defunded the healthcare CO-OPs.

So they already did an attack on the Affordable Care Act by defunding the CO-OPs; and now they are saying we want to bail them out. Of course, you want to bail them out now. You are responsible for letting them fail in the first place.

Look, there are a lot of questions to answer before this body moves forward with this failed Republican bailout bill, namely, where were the State regulators?

□ 1345

Why did they let these fail mid-cycle instead of, as they did in my State, before the enrollment period ended?

Number two, why did you defend them in the first place? Didn't you know that you would probably have to bail them out if you did?

And the third question I brought up in the Rules Committee is, why are we even just talking about CO-OPs? What about if for-profit insurance companies go out of business? Are we going to bail out those consumers, too?

Now, I haven't seen that that has happened yet, but, look, these are private companies; it is only a matter of time until some company makes bad

decisions and goes bankrupt and leaves its customers in the lurch.

Now, it is the job of State regulators to try to actuarially make sure that those companies are sound and solvent; and if they are going to disqualify one, to do so before the enrollment period, not midterm.

But let's be honest. Bad things happen, and probably someday a company will go out of business in the middle of a term, despite the best efforts of State regulators.

And what about those customers, and why would they be treated any differently than the customers of CO-OPs?

Look, in the three States where the CO-OPs did close down mid-session because of the ineffectiveness of State regulators, rather than proposing a Republican taxpayer bailout, we should simply point people to alternative insurance options. In fact, CO-OPs contacted every customer over 20 times to assist with the process of finding a new plan by e-mail, mailer, and phone. And in the event the available premiums were too expensive, the Affordable Care Act already has what they call a hardship exemption, where families can avoid paying any penalty. Just as they do under this bill, they can do it without this bill as well.

In the three instances where CO-OP plans were terminated in the middle of the year, the set of circumstances that this Republican taxpayer bailout bill is designed to address, it appears that individuals had ample time and options to find new coverage, even if their own State regulators were asleep at the switch, and it does not mean that the rest of us, that I have to go back to honest, hardworking Coloradans and say, sorry, you have to bail out the Republican Congress and their failure to include in the omnibus a plan to maintain the solvency of the CO-OPs.

The financial penalty for forgoing coverage is one of the primary incentives for what we call RomneyCare, or some call ObamaCare. By circumventing the individual mandate, H.R. 954 undermines an essential component of what was known as the Massachusetts plan, which is now the Affordable Care Act.

But as we know, over 20 million Americans have obtained health insurance, many for the first time. I am proud to say that in my home State of Colorado, while we have a number of issues with regard to the Affordable Care Act, one positive indicator that we can point to is that the rate of individuals without insurance has dropped by half. It is now a historically low 6.7 percent. It has never been that low in the history of Colorado. For Colorado children, the uninsured rate is even lower, 2.5 percent.

So nationwide, as we know, there are a lot of elements of the Affordable Care Act that are very popular and important to maintain. No one should be denied coverage for having a preexisting condition. Young adults can afford health insurance by staying on their parents' plan.

The individual mandate is the flip side of making sure that people aren't discriminated against because of pre-existing conditions. You can't have only a high-risk pool. You have to make sure that healthy people are in the pool to keep the rates low for everybody. That is the fundamental model that went into RomneyCare, and it was later adopted as a bipartisan concept.

In addition, individuals have access to preventative services, affordable prescription drugs, and are no longer subject to lifetime caps that can leave them bankrupt if they have a serious illness. I have heard from a number of constituents for whom that is very important.

So, look, every law can use improvement. There is no doubt about that. I was very strongly against the language in the Omnibus in 2016 that led to these CO-OPs going out of business and led to this Republican bailout package. And the Affordable Care Act, of course, can be improved.

So instead of discussing ways to roll back the successes of the Affordable Care Act or do massive bailouts, we should be discussing ways that we can make the law work better and prevent the need for bailouts moving forward.

To this end, I, along with many of my colleagues, have been a long-time supporter of establishing a public health insurance plan option. A public health insurance plan option would go a long way to revitalizing the individual marketplace through increased competition.

In 2010, I led an effort with my colleague from Maine, Representative CHELLIE PINGREE, to encourage Senator REID to consider a public option in the health care reform legislation that was being drafted. And I have continued to call for a public option even after the Affordable Care Act passed. It has been scored to have reduced the deficit by over \$200 billion and it would help the constituents in my district, particularly in our mountain areas, by providing a more affordable option within the individual exchange.

I am proud to be a cosponsor of Representative SCHAKOWSKY's H.R. 265, the Public Option Deficit Reduction Act, which would require HHS to set up a public health insurance option. I would point out that this Republican bailout plan increases the deficit. Right? Small amount, small amount.

You have the figures, my friend from Texas. I think—was it \$40 million? How much does this bill increase the deficit? 12 million?

Very small amount, right; but still the wrong way.

The plan that I am supporting and that many Democrats support would reduce the deficit by \$200 billion.

So if the Republicans continue to go down this road of bailouts, large and small, we are going to bankrupt this country. We are already \$20 trillion in debt. We have a deficit of half a trillion dollars. Yes, every little bit matters.

Again, the amount is small of this Republican bailout that increases the deficit; but we could be going another path which is fiscally responsible, increases consumer choice, and brings down costs.

Furthermore, since this bill will be vetoed anyway and this isn't going to become law, it is hardly worth the time to discuss. What we should be talking about are the very real public health crises. Indeed, public health, health-related bill, let's talk about health.

Let's talk about the fact that it has been over a year since Flint administrators first became aware of toxic levels of lead in the water of the city, which still exist; and over that time the body has sat on its hands, day after day, week after week. Exposure to lead is very harmful to children who are at significantly elevated risk of damage to their nervous system, learning disabilities, impaired development, that not only are crises for them and their families, but ultimately will cost taxpayers even more over time. Yet, Congress hasn't allocated any help to even replace the pipes in Flint while children in the community are still using bottled water to drink and bathe, at great expense, I might add.

Bottled water, for those of you who drink bottled water—Mr. Speaker, I don't know if you do—you know it is quite expensive, right?

Better to drink water out of your tap. Let's fix the underlying condition.

Then, of course, we have the Zika crisis. Nineteen thousand Americans have contracted the virus so far this year; 1,800 of those Americans are pregnant women who have an elevated risk of having associated consequences for their children, including microcephaly. Funding is essential to reduce the building diagnostic backlog and develop a method of testing, a vaccination, and better ways to address this health crisis as it spreads across Florida, south Texas, and the Caribbean.

But instead of debating Zika or Flint or even a continuing resolution to keep the government open past Friday—which we haven't spent a moment on yet even though Government funding runs out Friday—or a bipartisan balanced budget amendment or any of the other great ideas that have been brought forward in a bipartisan way, instead of doing any of that, a symbolic bill will be met by a veto, yet another Republican bailout that costs taxpayers and increases the deficit.

We have a bill that does nothing, that won't become law. It is a part of a wider effort to increase the deficit and force hardworking taxpayers in Colorado to bail out the failures of State regulators in four States.

Mr. Speaker, this bill adds to the deficit. It undermines a component of the Affordable Care Act. It doesn't even address the failure of State regulators. It doesn't even address the fact that a policy that Republicans put in the 2016 Omnibus has led to the need for this bailout. Simply put, this is not part of the solution.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up the bipartisan no fly, no buy legislation. It would allow the Attorney General to bar the sale of explosives and firearms to those on the FBI's terrorist watch list.

Republicans have refused to act on this commonsense legislation. Some of you might have heard at the debate yesterday that both Presidential contenders from both parties support this legislation. It is common sense.

If we don't let somebody fly on an airplane, if they are on the terrorist watch list, why would we let them quietly assemble an arsenal?

We need to check it out. Of course, if they are wrongly put on that list, of course let's have a way to get them off that list right away. So if they have a legitimate reason to buy a gun and they are not a terrorist, they shouldn't be on that list. But not buying a gun is the least of their inconveniences. If they are on that list, they can't even fly in most cases.

Yet, Republicans continue to fail to act on this commonsense legislation despite being supported by Donald Trump, by Hillary Clinton, by many other leaders of both parties.

We have the opportunity, if I can defeat the previous question with this vote, to actually take action and close this glaring loophole that allows terrorists to buy firearms and explosives right now in this country.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, again, rather than have this Republican bailout bill that increases the deficit, we could be discussing making it harder for terrorists to buy explosives and assemble arsenals. Okay?

That is the choice we have in this vote. It is a choice I am willing to make, Mr. Speaker. It is a choice that every Member will be called upon to make when they vote "yea" and they say, Let's do a bailout that increases the deficit, or they vote "nay" and join me and say, You know what, let's make it harder for terrorists to buy explosives and firearms, a policy supported by both Donald Trump and Hillary Clinton.

That is the choice we will have in moments, and it is one I urge my colleagues on both sides of the aisle to think deeply about before they cast their "yes" vote or before they cast their "no" vote.

Mr. Speaker, we have three calendar days left in this fiscal year, and our limited legislative time is not being spent well. We could be devoting our last few days to addressing Zika, to making it harder for terrorists to assemble arsenals, to addressing the disaster in Flint, Michigan, to stem the tide of opioid addiction ravaging this country and so many families that I have heard from in Colorado.

None of these public health crises will be addressed if we don't consider a bill to keep the government open beyond September 30; instead, we are considering yet another Republican bailout—increases the deficit, unnecessary, and lets State regulators off the hook, bails them out.

H.R. 954 implements an unnecessary, uncalled-for exemption, distracts us from the real conversations we should be having about how we can make health care more affordable and how we can reduce our budget deficit. This bill is simply an irresponsible process. I urge my colleagues to oppose this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

First off, just to correct the record, I was asked about the budgetary effect of this bill, and it is negative \$4 million over the next 10 years.

Congress did not defund the CO-OPs. The risk corridor program that was passed by this Congress in 2010, associated with the Affordable Care Act, was never fully funded in the first place.

This bill under our consideration today does not bail out anyone. It does not bail out the CO-OPs. It eliminates a penalty—a penalty imposed on consumers who did everything they could to comply with the law known as the individual mandate under the Affordable Care Act.

Look, if I ran the zoo, I would get rid of the individual mandate tomorrow. These individuals, under the individual mandate, covered by insurance which they were forced to purchase, and then goes bankrupt, through no fault of their own, they are going to get penalized for not having coverage. It is almost Kafkaesque in its design.

State legislators have virtually no control over the CO-OPs. Control of the business model is completely centralized within the Centers for Medicare and Medicaid Services. The CO-OP model was fundamentally unsound from the start, another example of this administration's propensity to conduct dangerous experiments with our Nation's health care. Yet, the Centers for Medicare and Medicaid Services has continued to stand in the way of the flexibility that the co-ops actually need to become fiscally sustainable.

Mr. Speaker, today's rule provides for the consideration of this important bill to provide relief for a tax increase looming over Americans who tried, tried, and tried to follow the rules of the Affordable Care Act and, yet, have

been let down by this administration's failed policies.

I certainly thank Mr. SMITH on the Ways and Means Committee for proposing this legislation and shepherding it through the committee process.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 893 OFFERED BY
MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a

vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 893, if ordered;

Ordering the previous question on House Resolution 892; and

Adoption of House Resolution 892, if ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 176, not voting 11, as follows:

[Roll No. 559]

YEAS—244

Abraham	Bishop (MI)	Brooks (IN)
Aderholt	Bishop (UT)	Buchanan
Allen	Black	Buck
Amash	Blackburn	Bucshon
Amodei	Blum	Burgess
Babin	Bost	Byrne
Barletta	Boustany	Calvert
Barr	Brady (TX)	Carter (GA)
Barton	Brat	Carter (TX)
Benishek	Bridenstine	Chabot
Billirakis	Brooks (AL)	Chaffetz

Clawson (FL)	Issa	Ratcliffe
Coffman	Jenkins (KS)	Reed
Cole	Jenkins (WV)	Reichert
Collins (GA)	Johnson (OH)	Renacci
Collins (NY)	Johnson, Sam	Ribble
Comstock	Jolly	Rice (SC)
Conaway	Jones	Rigell
Cook	Jordan	Roby
Costello (PA)	Joyce	Roe (TN)
Cramer	Katko	Rogers (AL)
Crawford	Kelly (MS)	Rogers (KY)
Crenshaw	Kelly (PA)	Rohrabacher
Culberson	King (IA)	Rokita
Curbelo (FL)	King (NY)	Rooney (FL)
Davidson	Kinzing (IL)	Ros-Lehtinen
Davis, Rodney	Kline	Roskam
Denham	Knight	Ross
Dent	Labrador	Rothfus
DeSantis	LaHood	Rouzer
DesJarlais	LaMalfa	Royce
Diaz-Balart	Lamborn	Russell
Dold	Lance	Salmon
Donovan	Latta	Sanford
Duffy	LoBiondo	Scalise
Duncan (SC)	Long	Schweikert
Duncan (TN)	Loudermilk	Scott, Austin
Ellmers (NC)	Love	Sensenbrenner
Emmer (MN)	Lucas	Sessions
Farenthold	Luetkemeyer	Shimkus
Fincher	Lummis	Shuster
Fitzpatrick	MacArthur	Simpson
Fleischmann	Marchant	Smith (MO)
Fleming	Marino	Smith (NE)
Flores	Massie	Smith (NJ)
Forbes	McCarthy	Smith (TX)
Fortenberry	McCauley	Stefanik
Fox	McClintock	Stewart
Franks (AZ)	McHenry	Stivers
Frelinghuysen	McKinley	Stutzman
Garrett	McMorris	Thompson (PA)
Gibbs	Rodgers	Thornberry
Gibson	McSally	Tiberi
Gohmert	Meadows	Tipton
Goodlatte	Meehan	Trott
Gosar	Messer	Turner
Gowdy	Mica	Upton
Graves (GA)	Miller (FL)	Valadao
Graves (LA)	Miller (MI)	Vela
Graves (MO)	Moolenaar	Wagner
Griffith	Mooney (WV)	Walberg
Grothman	Mullin	Walden
Guinta	Mulvaney	Walker
Guthrie	Murphy (PA)	Walorski
Hanna	Neugebauer	Walters, Mimi
Hardy	Newhouse	Weber (TX)
Harper	Noem	Webster (FL)
Harris	Nugent	Wenstrup
Hartzler	Nunes	Westerman
Heck (NV)	Olson	Williams
Hensarling	Palazzo	Wilson (SC)
Herrera Beutler	Palmer	Wittman
Hice, Jody B.	Paulsen	Womack
Hill	Pearce	Woodall
Holding	Perry	Yoder
Hudson	Peterson	Yoho
Huelskamp	Pittenger	Young (AK)
Huizenga (MI)	Pitts	Young (IA)
Hultgren	Poliquin	Young (IN)
Hunter	Pompeo	Zeldin
Hurd (TX)	Posey	Zinke
Hurt (VA)	Price, Tom	

NAYS—176

Adams	Cicilline	Doyle, Michael
Aguilar	Clark (MA)	F.
Ashford	Clarke (NY)	Edwards
Bass	Clay	Ellison
Becerra	Cleaver	Engel
Bera	Clyburn	Eshoo
Beyer	Cohen	Esty
Bishop (GA)	Connolly	Farr
Blumenauer	Conyers	Foster
Bonamici	Cooper	Frankel (FL)
Boyle, Brendan	Costa	Fudge
F.	Courtney	Gabbard
Brady (PA)	Crowley	Gallego
Brown (FL)	Cuellar	Garamendi
Brownley (CA)	Cummings	Graham
Bustos	Davis (CA)	Grayson
Butterfield	Davis, Danny	Green, Al
Capps	DeFazio	Green, Gene
Capuano	DeGette	Grijalva
Cárdenas	Delaney	Gutiérrez
Carney	DeLauro	Hahn
Carson (IN)	DelBene	Hastings
Cartwright	DeSaulnier	Heck (WA)
Castor (FL)	Deutch	Higgins
Castro (TX)	Dingell	Himes
Chu, Judy	Doggett	Honda

Hoyer	Maloney, Sean	Schakowsky	Garrett	Loudermilk	Rooney (FL)	McDermott	Rangel	Takano
Huffman	Matsui	Schiff	Gibbs	Love	Ros-Lehtinen	McGovern	Rice (NY)	Thompson (CA)
Israel	McCollum	Schrader	Gibson	Lucas	Roskam	McNerney	Richmond	Thompson (MS)
Jackson Lee	McDermott	Scott (VA)	Gohmert	Luetkemeyer	Ross	Meeks	Roybal-Allard	Titus
Jeffries	McGovern	Scott, David	Goodlatte	Lummis	Rothfus	Meng	Ruiz	Tonko
Johnson (GA)	McNerney	Serrano	Gosar	MacArthur	Rouzer	Moore	Ruppersberger	Torres
Johnson, E. B.	Meeks	Sewell (AL)	Gowdy	Marchant	Royce	Moulton	Ryan (OH)	Tsongas
Kaptur	Meng	Sherman	Granger	Marino	Russell	Murphy (FL)	Sánchez, Linda T.	Van Hollen
Keating	Moore	Sinema	Graves (GA)	Massie	Salmon	Nadler	Sarbanes	Vargas
Kelly (IL)	Moulton	Sires	Graves (LA)	McCarthy	Sanford	Napolitano	Schakowsky	Veasey
Kennedy	Murphy (FL)	Slaughter	Graves (MO)	McCaul	Scalise	Neal	Schiff	Vela
Kildee	Nadler	Smith (WA)	Griffith	McClintock	Schweikert	Nolan	Schrader	Velázquez
Kilmer	Napolitano	Smith (CA)	Grothman	McHenry	Scott, Austin	Norcross	Scott (VA)	Visclosky
Kind	Neal	Swallow (CA)	Guinta	McKinley	Sensenbrenner	O'Rourke	Scott, David	Walz
Kirkpatrick	Nolan	Takano	Guthrie	McMorris	Sessions	Pallone	Serrano	Wasserman
Kuster	Norcross	Thompson (CA)	Hanna	Rodgers	Shimkus	Perlmutter	Sewell (AL)	Schultz
Largevin	O'Rourke	Thompson (MS)	Hardy	McSally	Shuster	Peters	Sherman	Waters, Maxine
Larsen (WA)	Pallone	Titus	Harper	Meadows	Simpson	Peterson	Sinema	Watson Coleman
Larson (CT)	Pascrell	Tonko	Harris	Meehan	Smith (MO)	Pingree	Sires	Welch
Lawrence	Perlmutter	Torres	Hartzler	Messer	Smith (NE)	Pocan	Slaughter	Wilson (FL)
Lee	Peters	Tsongas	Heck (NV)	Mica	Smith (NJ)	Polis	Smith (WA)	Yarmuth
Levin	Pingree	Van Hollen	Hensarling	Miller (FL)	Smith (TX)	Price (NC)	Swallow (CA)	
Lewis	Pocan	Vargas	Herrera Beutler	Miller (MI)	Stefanik	Quigley		
Lieu, Ted	Polis	Veasey	Hice, Jody B.	Moolenaar	Stewart			
Lipinski	Price (NC)	Velázquez	Hill	Mooney (WV)	Stivers			
Loeb sack	Quigley	Visclosky	Holding	Mullin	Stutzman	Beatty	Payne	Sanchez, Loretta
Lofgren	Rangel	Walz	Hudson	Mulvaney	Thompson (PA)	Duckworth	Pelosi	Speier
Lowenthal	Rice (NY)	Wasserman	Huelskamp	Murphy (PA)	Thornberry	Hinojosa	Poe (TX)	Westmoreland
Lowey	Richmond	Schultz	Huizenga (MI)	Neugebauer		Pascrell	Rush	
Lujan Grisham	Roybal-Allard	Waters, Maxine	Hultgren	Newhouse				
(NM)	Ruiz	Watson Coleman	Hunter	Noem				
Luján, Ben Ray	Ruppersberger	Welch	Hurd (TX)	Nugent				
(NM)	Ryan (OH)	Wilson (FL)	Hurt (VA)	Nunes				
Lynch	Sánchez, Linda T.	Yarmuth	Issa	Olson				
Maloney,	Sarbanes		Jenkins (KS)	Palazzo				
Carolyn			Jenkins (WV)	Palmer				
			Johnson (OH)	Paulsen				
			Johnson, Sam	Pearce				
			Jolly	Perry				
			Jones	Pittenger				
			Jordan	Pitts				
			Joyce	Poliquin				
			Katko	Pompeo				
			Kelly (MS)	Posey				
			Kelly (PA)	Price, Tom				
			King (IA)	Ratcliffe				
			King (NY)	Reed				
			Kinzinger (IL)	Reichert				
			Kline	Renacci				
			Knight	Ribble				
			Labrador	Rice (SC)				
			LaHood	Rigell				
			LaMalfa	Roby				
			Lamborn	Roe (TN)				
			Lance	Rogers (AL)				
			Latta	Rogers (KY)				
			LoBiondo	Rohrabacher				
			Long	Rokita				

NOT VOTING—11

Beatty	Payne	Sanchez, Loretta
Duckworth	Pelosi	Speier
Granger	Poe (TX)	Westmoreland
Hinojosa	Rush	

□ 1422

Messrs. LARSEN of Washington, MURPHY of Florida, and AL GREEN of Texas changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ROTHFUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 11, as follows:

[Roll No. 560]

YEAS—243

Abraham	Buck	Davis, Rodney
Aderholt	Bucshon	Denham
Allen	Burgess	Dent
Amash	Byrne	DeSantis
Amodei	Calvert	DesJarlais
Babin	Carter (GA)	Diaz-Balart
Barletta	Carter (TX)	Dold
Barr	Chabot	Donovan
Barton	Chaffetz	Duffy
Benishek	Clawson (FL)	Duncan (SC)
Bilirakis	Coffman	Duncan (TN)
Bishop (MI)	Cole	Ellmers (NC)
Bishop (UT)	Collins (GA)	Emmer (MN)
Black	Collins (NY)	Farenthold
Blackburn	Comstock	Fincher
Blum	Conaway	Fitzpatrick
Bost	Cook	Fleischmann
Boustany	Costello (PA)	Fleming
Brady (TX)	Cramer	Flores
Brat	Crawford	Forbes
Bridenstine	Crenshaw	Fortenberry
Brooks (AL)	Culberson	Fox
Brooks (IN)	Curbelo (FL)	Franks (AZ)
Buchanan	Davidson	Frelinghuysen

NAYS—177

Adams	Cuellar
Aguilar	Cummings
Ashford	Davis (CA)
Bass	Davis, Danny
Becerra	DeFazio
Bera	DeGette
Beyer	Delaney
Bishop (GA)	DeLauro
Blumenauer	DelBene
Bonamici	DeSaulnier
Boyle, Brendan F.	Deutch
Brady (PA)	Dingell
Brown (FL)	Doggett
Brownley (CA)	Doyle, Michael F.
Bustos	Edwards
Butterfield	Ellison
Capps	Engel
Capuano	Eshoo
Cardenas	Esty
Carney	Farr
Carson (IN)	Foster
Cartwright	Frankel (FL)
Castor (FL)	Fudge
Castro (TX)	Gabbard
Chu, Judy	Gallego
Cioccione	Garamendi
Clark (MA)	Graham
Clarke (NY)	Grayson
Clay	Green, Al
Cleaver	Green, Gene
Clyburn	Grijalva
Cohen	Gutiérrez
Connolly	Hahn
Conyers	Hastings
Cooper	Heck (WA)
Costa	Higgins
Courtney	Himes
Crowley	Honda

Hoyer	McCollum
Huffman	McGovern
Israel	McNerney
Jackson Lee	Meeks
Jeffries	Meng
Johnson (GA)	Moore
Johnson, E. B.	Moulton
Kaptur	Murphy (FL)
Keating	Nadler
Kelly (IL)	Napolitano
Kennedy	Neal
Kildee	Nolan
Kilmer	Norcross
Kind	O'Rourke
Kirkpatrick	Pallone
Kuster	Perlmutter
Langevin	Peters
Larsen (WA)	Peterson
Larson (CT)	Pingree
Lawrence	Pocan
Lee	Polis
Levin	Price (NC)
Lewis	Quigley
Lieu, Ted	
Lipinski	
Loeb sack	
Lofgren	
Lowenthal	
Lowey	
Lujan Grisham	
(NM)	
Luján, Ben Ray	
(NM)	
Lynch	
Maloney,	
Carolyn	
Maloney, Sean	
Matsui	
McCollum	

PROVIDING FOR CONSIDERATION OF H.R. 5303, WATER RESOURCES DEVELOPMENT ACT OF 2016; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 892) providing for consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 178, not voting 10, as follows:

[Roll No. 561]

YEAS—243

Abraham	Barton	Bost
Aderholt	Benishek	Boustany
Allen	Bilirakis	Brady (TX)
Amash	Bishop (MI)	Brat
Amodei	Bishop (UT)	Bridenstine
Babin	Black	Brooks (AL)
Barletta	Blackburn	Brooks (IN)
Barr	Blum	Buchanan

□ 1430

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Buck	Hudson	Pompeo	Green, Gene	Lujan Grisham	Ruppersberger	Granger	MacArthur	Roskam
Bucshon	Huelskamp	Posey	Grijalva	(NM)	Ryan (OH)	Graves (GA)	Marchant	Ross
Burgess	Huizenga (MI)	Price, Tom	Gutiérrez	Luján, Ben Ray	Sánchez, Linda	Graves (LA)	Marino	Rothfus
Byrne	Hultgren	Ratcliffe	Hahn	(NM)	T.	Graves (MO)	Massie	Rouzer
Calvert	Hunter	Reed	Hastings	Lynch	Sarbanes	Griffith	McCarthy	Royce
Carter (GA)	Hurd (TX)	Reichert	Heck (WA)	Maloney,	Schakowsky	Grothman	McCaul	Russell
Carter (TX)	Hurt (VA)	Renacci	Higgins	Carolyn	Schiff	Quinta	McClintock	Salmon
Chabot	Issa	Ribble	Himes	Maloney, Sean	Schrader	Guthrie	McHenry	Sanford
Chaffetz	Jenkins (KS)	Rice (SC)	Honda	Matsui	Scott (VA)	Hanna	McKinley	Scalise
Clawson (FL)	Jenkins (WV)	Rigell	Hoyer	McCollum	Scott, David	Hardy	McMorris	Schweikert
Coffman	Johnson (OH)	Roby	Huffman	McDermott	Serrano	Harper	Rodgers	Scott, Austin
Cole	Johnson, Sam	Roe (TN)	Israel	McGovern	Sewell (AL)	Harris	McSally	Sensenbrenner
Collins (GA)	Jolly	Rogers (AL)	Jackson Lee	McNerney	Sherman	Hartzler	Meadows	Sessions
Collins (NY)	Jones	Rogers (KY)	Jeffries	Meeks	Sinema	Heck (NV)	Meehan	Shimkus
Comstock	Jordan	Rohrabacher	Johnson (GA)	Meng	Sires	Hensarling	Messer	Shuster
Conaway	Joyce	Rokita	Johnson, E. B.	Moore	Slaughter	Herrera Beutler	Mica	Simpson
Cook	Katko	Rooney (FL)	Kaptur	Moulton	Smith (WA)	Hice, Jody B.	Miller (FL)	Smith (MO)
Costello (PA)	Kelly (MS)	Ros-Lehtinen	Keating	Murphy (FL)	Swalwell (CA)	Hill	Miller (MI)	Smith (NE)
Cramer	Kelly (PA)	Roskam	Nadler	Kelly (IL)	Takano	Holding	Mooney (WV)	Smith (NJ)
Crawford	King (IA)	Ross	Napolitano	Kennedy	Thompson (CA)	Hudson	Mullin	Smith (TX)
Crenshaw	King (NY)	Rothfus	Neal	Kildee	Thompson (MS)	Huizenga (MI)	Mulvaney	Stefanik
Culberson	Kinzing (IL)	Rouzer	Nolan	Kilmer	Titus	Hultgren	Murphy (PA)	Stewart
Curbelo (FL)	Kline	Royce	Norcross	Kind	Tonko	Hunter	Neugebauer	Stivers
Davidson	Knight	Russell	O'Rourke	Kirkpatrick	Torres	Hurd (TX)	Newhouse	Stutzman
Davis, Rodney	Labrador	Salmon	Pallone	Kuster	Tsongas	Hurt (VA)	Noem	Thompson (PA)
Denham	LaHood	Sanford	Pascrell	Perlmutter	Van Hollen	Issa	Nugent	Thornberry
Dent	LaMalfa	Scalise	Vargas	Peters	Veasey	Jenkins (KS)	Nunes	Tiberi
DeSantis	Lamborn	Schweikert	Veasey	Peterson	Vela	Jenkins (WV)	Olson	Tipton
DesJarlais	Lance	Scott, Austin	Johnson (OH)	Pingree	Velázquez	Johnson (OH)	Palazzo	Trott
Diaz-Balart	Latta	Sensenbrenner	Lee	Pocan	Visclosky	Johnson, Sam	Palmer	Turner
Dold	LoBiondo	Sessions	Levin	Polis	Walz	Jones	Paulsen	Upton
Donovan	Long	Shimkus	Lewis	Price (NC)	Wasserman	Jordan	Pearce	Valadao
Duffy	Loudermilk	Shuster	Lieu, Ted	Quigley	Schultz	Joyce	Perry	Wagner
Duncan (SC)	Love	Simpson	Lipinski	Rangel	Waters, Maxine	Katko	Pittenger	Walberg
Duncan (TN)	Lucas	Smith (MO)	Loeb sack	Rice (NY)	Watson Coleman	Kelly (MS)	Pitts	Walden
Ellmers (NC)	Luetkemeyer	Smith (NE)	Lofgren	Richmond	Welch	Kelly (PA)	Poliquin	Walker
Emmer (MN)	Lummis	Smith (NJ)	Lowenthal	Roybal-Allard	Wilson (FL)	King (IA)	Pompeo	Walorski
Farenthold	MacArthur	Smith (TX)	Lowey	Ruiz	Yarmuth	King (NY)	Posey	Walters, Mimi
Fincher	Marchant	Stefanik	Beatty	Pelosi	Speier	Kinzing (IL)	Price, Tom	Weber (TX)
Fitzpatrick	Marino	Stewart	Duckworth	Poe (TX)	Westmoreland	Kline	Ratcliffe	Webster (FL)
Fleischmann	Massie	Stivers	Hinojosa	Rush		Knight	Reed	Wenstrup
Fleming	McCarthy	Stutzman	Payne			Labrador	Reichert	Westerman
Flores	McCaul	Thompson (PA)				LaHood	Renacci	Williams
Forbes	McClintock	Thornberry				LaMalfa	Ribble	Wilson (SC)
Fortenberry	McHenry	Tiberi				Lamborn	Rice (SC)	Wittman
Fox	McKinley	Tipton				Lance	Rigell	Womack
Franks (AZ)	McMorris	Trott				Latta	Roby	Woodall
Frelinghuysen	Rodgers	Turner				LoBiondo	Roe (TN)	Yoder
Garrett	McSally	Upton				Long	Rogers (AL)	Yoho
Gibbs	Meadows	Valadao				Loudermilk	Rogers (KY)	Young (AK)
Gibson	Meehan	Wagner				Love	Rohrabacher	Young (IA)
Gohmert	Messer	Mica				Lucas	Rokita	Young (IN)
Goodlatte	Mica	Walberg				Luetkemeyer	Rooney (FL)	Zeldin
Gosar	Miller (FL)	Walden				Lummis	Ros-Lehtinen	Zinke
Gowdy	Miller (MI)	Walker						
Granger	Moolenaar	Walorski						
Graves (GA)	Mooney (WV)	Walters, Mimi						
Graves (LA)	Mullin	Weber (TX)						
Graves (MO)	Mulvaney	Webster (FL)						
Griffith	Murphy (PA)	Wenstrup						
Grothman	Neugebauer	Westerman						
Quinta	Newhouse	Williams						
Guthrie	Noem	Wilson (SC)						
Hanna	Nugent	Wittman						
Hardy	Nunes	Womack						
Harper	Olson	Woodall						
Harris	Palazzo	Yoder						
Hartzler	Palmer	Yoho						
Heck (NV)	Paulsen	Young (AK)						
Hensarling	Pearce	Young (IA)						
Herrera Beutler	Perry	Young (IN)						
Hice, Jody B.	Pittenger	Zeldin						
Hill	Pitts	Zinke						
Holding	Poliquin							

NOT VOTING—10

□ 1437

So the previous question was ordered.
The result of the vote was announced
as above recorded.

The SPEAKER pro tempore. The
question is on the resolution.

The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I de-
mand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This
will be a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 241, noes 180,
not voting 10, as follows:

[Roll No. 562]

AYES—241

NAYS—178

Adams	Castor (FL)	DeLauro	Abraham	Byrne	Diaz-Balart
Aguilar	Castro (TX)	DelBene	Aderholt	Calvert	Dold
Ashford	Chu, Judy	DeSaulnier	Allen	Carter (GA)	Donovan
Bass	Cicilline	Deutsch	Amodei	Carter (TX)	Duffy
Becerra	Clark (MA)	Dingell	Babin	Chabot	Duncan (SC)
Bera	Clarke (NY)	Doggett	Baretta	Chaffetz	Duncan (TN)
Beyer	Clay	F.	Barr	Chaffetz (FL)	Ellmers (NC)
Bishop (GA)	Cleaver	Doyle, Michael	Barton	Coffman	Emmer (MN)
Blumenauer	Clyburn	F.	Benishek	Cole	Farenthold
Bonamici	Cohen	Edwards	Bilirakis	Collins (GA)	Fincher
Boyle, Brendan	Connolly	Ellison	Bishop (MI)	Collins (NY)	Fitzpatrick
F.	Conyers	Engel	Bishop (UT)	Comstock	Fleischmann
Brady (PA)	Cooper	Eshoo	Black	Conaway	Fleming
Brown (FL)	Costa	Esty	Blackburn	Cook	Flores
Brownley (CA)	Courtney	Farr	Blum	Costello (PA)	Forbes
Bustos	Crowley	Foster	Bost	Cramer	Fortenberry
Butterfield	Cuellar	Frankel (FL)	Boustany	Crawford	Fox
Capps	Cummings	Gabbard	Brady (TX)	Crenshaw	Franks (AZ)
Capuano	Davis (CA)	Gallo	Brat	Culberson	Frelinghuysen
Cardenas	Davis, Danny	Garamendi	Bridenstine	Curbelo (FL)	Garrett
Carney	DeFazio	Graham	Brooks (AL)	Davidson	Gibbs
Carson (IN)	DeGette	Grayson	Brooks (IN)	Davis, Rodney	Gibson
Cartwright	Delaney	Green, Al	Buchanan	Denham	Gohmert
			Buck	Dent	Goodlatte
			Bucshon	DeSantis	Gosar
			Burgess	DesJarlais	Gowdy

NOES—180

Adams	Davis (CA)	Jeffries
Aguilar	Davis, Danny	Johnson (GA)
Amash	DeFazio	Johnson, E. B.
Ashford	DeGette	Kaptur
Bass	Delaney	Keating
Becerra	DeLauro	Kelly (IL)
Bera	DelBene	Kennedy
Beyer	DeSaulnier	Kildee
Bishop (GA)	Deutch	Kilmer
Blumenauer	Dingell	Kind
Bonamici	Doggett	Kirkpatrick
Boyle, Brendan	Doyle, Michael	Kuster
F.	F.	Langevin
Brady (PA)	Edwards	Larsen (WA)
Brown (FL)	Ellison	Larson (CT)
Brownley (CA)	Engel	Lawrence
Bustos	Eshoo	Lee
Butterfield	Esty	Levin
Capps	Farr	Lewis
Capuano	Foster	Lieu, Ted
Cardenas	Frankel (FL)	Lipinski
Carney	Fudge	Loeb sack
Carson (IN)	Gabbard	Lofgren
Cartwright	Gallego	Lowenthal
Castor (FL)	Garamendi	Lowey
Castro (TX)	Lujan Grisham	Lujan Grisham
Chu, Judy	Grayson	(NM)
Cicilline	Green, Al	Luján, Ben Ray
Clark (MA)	Green, Gene	(NM)
Clarke (NY)	Grijalva	Lynch
Clay	Gutiérrez	Maloney,
Cleaver	Hahn	Carolyn
Clyburn	Hastings	Maloney, Sean
Cohen	Heck (WA)	Matsui
Connolly	Higgins	McCollum
Conyers	Himes	McDermott
Cooper	Honda	McGovern
Costa	Hoyer	McNerney
Courtney	Huelskamp	Meeks
Crowley	Huffman	Meng
Cuellar	Israel	Moore
Cummings	Jackson Lee	Moulton

Murphy (FL)	Ruiz	Thompson (MS)
Nadler	Ruppersberger	Titus
Napolitano	Ryan (OH)	Tonko
Neal	Sánchez, Linda	Torres
Nolan	T.	Tsongas
Norcross	Sarbanes	Van Hollen
O'Rourke	Schakowsky	Vargas
Pallone	Schiff	Veasey
Pascarella	Schrader	Vela
Perlmutter	Scott (VA)	Velázquez
Peters	Scott, David	Visclosky
Peterson	Serrano	Walz
Pingree	Sewell (AL)	Wasserman
Pocan	Sherman	Schultz
Polis	Sinema	Waters, Maxine
Price (NC)	Sires	Watson Coleman
Quigley	Slaughter	Welch
Rangel	Smith (WA)	Wilson (FL)
Rice (NY)	Swalwell (CA)	Yarmuth
Richmond	Takano	
Roybal-Allard	Thompson (CA)	

NOT VOTING—10

Beatty	Pelosi	Speier
Duckworth	Poe (TX)	Westmoreland
Hinojosa	Rush	
Payne	Sanchez, Loretta	

□ 1444

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SPEIER. Mr. Speaker, due to a conflict, I unavoidably missed the following votes on September 26 and 27.

Had I been present, I would have voted as follows:

On rollcall No. 557, I would have voted "nay" (September 26) (On Motion to Suspend the Rules and Pass as Amendment H.R. 3537, the Dangerous Synthetic Drug Control Act.)

On rollcall No. 558, I would have voted "yea" (September 26) (On Motion to Suspend the Rules and Pass H.R. 5392, the No Veterans Crisis Line Call Should Go Unanswered Act.)

On rollcall No. 559, I would have voted "nay" (September 27) (H. Res. 893, On Ordering the Previous Question Providing for consideration of H.R. 954, the CO-OP Consumer Protection Act of 2016.)

On rollcall No. 560, I would have voted "nay" (September 27) (H. Res. 893, On Agreeing to the Resolution Providing for consideration of H.R. 954, the CO-OP Consumer Protection Act of 2016.)

On rollcall No. 561, I would have voted "nay" (September 27) (H. Res. 892, On Ordering the Previous Question for H.R. 5303, the Water Resources Development Act of 2016.)

On rollcall No. 562, I would have voted "nay" (September 27) (H. Res. 892, On Agreeing to the Resolution for Providing consideration of H.R. 5303, the Water Resources Development Act of 2016.)

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2015

Mr. WALDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 253) to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The text of the bill is as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Communications Commission Consolidated Reporting Act of 2015".

SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

"(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

"(b) CONTENTS.—Each report required under subsection (a) shall—

"(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

"(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment;

"(3) assess whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; and

"(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3).

"(c) EXTENSION.—If the Senate confirms the Chairman of the Commission during the third or fourth quarter of an even-numbered year, the report required under subsection (a) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by March 1 of the following odd-numbered year.

"(d) SPECIAL REQUIREMENTS.—

"(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

"(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall include a list of geographical areas that are not served by any provider of advanced telecommunications capability.

"(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).

"(e) NOTIFICATION OF DELAY IN REPORT.—If the Commission fails to publish a report by the applicable deadline under subsection (a) or (c), the Commission shall, not later than 7 days after the deadline and every 60 days thereafter until the publication of the report—

"(1) provide notification of the delay by letter to the chairperson and ranking member of—

"(A) the Committee on Energy and Commerce of the House of Representatives; and

"(B) the Committee on Commerce, Science, and Transportation of the Senate;

"(2) indicate in the letter the date on which the Commission anticipates the report will be published; and

"(3) publish the letter on the website of the Commission."

SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109-34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103(b)(1) of the Broadband Data Improvement Act (47 U.S.C. 1303(b)(1)) is amended by striking "the assessment and report" and all that follows through "the Federal Communications Commission" and inserting "its report under section 13 of the Communications Act of 1934, the Federal Communications Commission".

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended—

(1) in paragraph (1), by striking "annually publish" and inserting "publish with its report under section 13 of the Communications Act of 1934"; and

(2) in paragraph (2), in the heading, by striking "ANNUAL".

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (1) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 9(i), by striking “In the Commission’s annual report, the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission”; and

(B) in section 309(j)(8)(B), by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—

(1) IN GENERAL.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 4—

(i) in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and

(ii) in subsection (g)—

(i) by striking paragraph (2); and

(II) by redesignating paragraph (3) as paragraph (2);

(B) in section 215—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b);

(C) in section 227(e)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(D) in section 303(u)(1)(B), by striking “section 713(f)” and inserting “section 713(e)”;

(E) in section 309(j)—

(i) by striking paragraph (12);

(ii) by redesignating paragraphs (13) through (17) as paragraphs (12) through (16), respectively; and

(iii) in paragraph (14)(C), as redesignated—

(I) by striking clause (iv); and

(II) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively;

(F) in section 331(b), by striking the last sentence;

(G) in section 336(e), by amending paragraph (4) to read as follows:

“(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.”;

(H) in section 338(k)(6), by striking “section 396(k)(6)(B)” and inserting “section 396(j)(6)(B)”;

(I) in section 339(c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(iii) in paragraph (3)(A), as redesignated, by striking “paragraph (2)” and inserting “paragraph (1)”;

(iv) in paragraph (4), as redesignated, by striking “paragraphs (2) and (4)” and inserting “paragraphs (1) and (3)”;

(J) in section 396—

(i) by striking subsections (i) and (m);

(ii) by redesignating subsections (j) through (l) as subsections (i) through (k), respectively;

(iii) in subsection (j), as redesignated—

(I) in paragraph (1), by striking subparagraph (F);

(II) in paragraph (3)(B)(iii)—

(aa) by striking subclause (V);

(bb) by redesignating subclause (VI) as subclause (V); and

(cc) in subclause (V), as redesignated, by striking “subsection (1)(4)(B)” and inserting “subsection (k)(4)(B)”;

(III) in paragraph (5), by striking “subsection (1)(3)(B)” and inserting “subsection (k)(3)(B)”;

(iv) in subsection (k), as redesignated—

(I) in paragraph (1)(B), by striking “shall be included” and all that follows through “The audit report”; and

(II) in paragraph (4), by striking “subsection (k)” each place that term appears and inserting “subsection (j)”;

(K) in section 398(b)(4), by striking the third sentence;

(L) in section 399B(c), by striking “section 396(k)” and inserting “section 396(j)”;

(M) in section 615(1)(1)(A)(ii), by striking “section 396(k)(6)(B)” and inserting “section 396(j)(6)(B)”;

(N) in section 624A(b)(1)—

(i) by striking “REPORT; REGULATIONS” and inserting “REGULATIONS”;

(ii) by striking “Within 1 year after” and all that follows through “on means of assuring” and inserting “The Commission shall issue such regulations as are necessary to assure”; and

(iii) by striking “Within 180 days after” and all that follows through “to assure such compatibility.”; and

(O) in section 713—

(i) by striking subsection (a);

(ii) by redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (j) as subsections (a), (b), (c), (d), (e), (f), (g), and (h), respectively;

(iii) in subsection (a), as redesignated, by striking “subsection (d)” each place that term appears and inserting “subsection (c)”;

(iv) in subsection (b), as redesignated, by striking “subsection (b)” each place that term appears and inserting “subsection (a)”;

(v) in subsection (c), as redesignated, by striking “subsection (b)” and inserting “subsection (a)”;

(vi) in subsection (e)(2)(A), as redesignated, by striking “subsection (h)” and inserting “subsection (g)”;

(vii) in subsection (f), as redesignated, by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

(2) CONFORMING AMENDMENTS.—

(A) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.—Section 6401(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1451(b)) is amended—

(i) in paragraph (1), by striking “(15)(A)” and inserting “(14)(A)”;

(ii) in paragraph (3), by striking “(16)(B)” and inserting “(15)(B)”.

(B) TITLE 17.—Title 17, United States Code, is amended—

(i) in section 114(d)(1)(B)(iv), by striking “section 396(k)” and inserting “section 396(j)”;

(ii) in section 119(a)—

(I) in paragraph (2)(B)(ii)—

(aa) in subclause (I), by striking “section 339(c)(3)” and inserting “section 339(c)(2)”;

(bb) in subclause (II), by striking “section 339(c)(4)” and inserting “section 339(c)(3)”;

(cc) in subclause (III), by striking “section 339(c)(3)” and inserting “section 339(c)(2)”;

(II) in paragraph (3)(E), by striking “section 339(c)(2)” and inserting “section 339(c)(1)”;

(III) in paragraph (13), by striking “section 339(c)(2)” and inserting “section 339(c)(1)”.

SEC. 4. EFFECT ON AUTHORITY.

Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.

AMENDMENT OFFERED BY MR. WALDEN

Mr. WALDEN. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. WALDEN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Communications Act Update Act of 2016”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Commission defined.

TITLE I—FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM

Sec. 101. Federal Communications Commission process reform.

Sec. 102. Categorization of TCPA inquiries and complaints in quarterly report.

Sec. 103. Effect on other laws.

Sec. 104. Application of Antideficiency Act to Universal Service Program.

Sec. 105. Report on improving small business participation in FCC proceedings.

Sec. 106. Timely availability of items adopted by vote of the Commission.

TITLE II—FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING

Sec. 201. Communications marketplace report.

Sec. 202. Consolidation of redundant reports; conforming amendments.

Sec. 203. Effect on authority.

Sec. 204. Other reports.

TITLE III—SMALL BUSINESS BROADBAND DEPLOYMENT

Sec. 301. Exception to enhancement to transparency requirements for small businesses.

TITLE IV—KARI'S LAW

Sec. 401. Short title.

Sec. 402. Configuration of multi-line telephone systems for direct dialing of 9-1-1.

TITLE V—SECURING ACCESS TO NETWORKS IN DISASTERS

Sec. 501. Study on network resiliency.

Sec. 502. Access to essential service providers during federally declared emergencies.

Sec. 503. Definitions.

TITLE VI—SPOOFING PREVENTION

Sec. 601. Spoofing prevention.

TITLE VII—AMATEUR RADIO PARITY

Sec. 701. Findings.

Sec. 702. Application of private land use restrictions to amateur stations.

Sec. 703. Affirmation of limited preemption of State and local land use regulation.

Sec. 704. Definitions.

TITLE VIII—IMPROVING RURAL CALL QUALITY AND RELIABILITY

Sec. 801. Ensuring the integrity of voice communications.

SEC. 2. COMMISSION DEFINED.

In this Act, the term “Commission” means the Federal Communications Commission.

TITLE I—FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM

SEC. 101. FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM.

(a) IN GENERAL.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

“SEC. 13. TRANSPARENCY AND EFFICIENCY.

“(a) INITIAL RULEMAKING AND INQUIRY.—

“(1) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete a rulemaking proceeding and adopt procedural changes to its rules to maximize opportunities for public participation and efficient decisionmaking.”

“(2) REQUIREMENTS FOR RULEMAKING.—The rules adopted under paragraph (1) shall—

“(A) set minimum comment periods for comment and reply comment, subject to a determination by the Commission that good cause exists for departing from such minimum comment periods, for—

“(i) significant regulatory actions, as defined in Executive Order No. 12866; and

“(ii) all other rulemaking proceedings;

“(B) establish policies concerning the submission of extensive new comments, data, or reports towards the end of the comment period;

“(C) establish policies regarding treatment of comments, ex parte communications, and data or reports (including statistical reports and reports to Congress) submitted after the comment period to ensure that the public has adequate notice of and opportunity to respond to such submissions before the Commission relies on such submissions in any order, decision, report, or action;

“(D) establish procedures for, not later than 14 days after the end of each quarter of a calendar year (or more frequently, as the Commission considers appropriate), publishing on the Internet website of the Commission and submitting to Congress a report that contains—

“(i) the status of open rulemaking proceedings and proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an order, decision, report, or action that has been on circulation for more than 60 days;

“(ii) for the petitions, applications, complaints, and other requests for action by the Commission that were pending at the Commission on the last day of such quarter (or more frequent period, as the case may be)—

“(I) the number of such requests, broken down by the bureau primarily responsible for action and, for each bureau, the type of request (such as a petition, application, or complaint); and

“(II) information regarding the amount of time for which such requests have been pending, broken down as described in subclause (I); and

“(iii) a list of the congressional investigations of the Commission that were pending on the last day of such quarter (or more frequent period, as the case may be) and the cost of such investigations, individually and in the aggregate;

“(E) establish deadlines (relative to the date of filing) for—

“(i) in the case of a petition for a declaratory ruling under section 1.2 of title 47, Code of Federal Regulations, issuing a public notice of such petition;

“(ii) in the case of a petition for rulemaking under section 1.401 of such title, issuing a public notice of such petition; and

“(iii) in the case of a petition for reconsideration under section 1.106 or 1.429 of such title or an application for review under section 1.115 of such title, issuing a public notice of a decision on the petition or application by the Commission or under delegated authority (as the case may be);

“(F) establish guidelines (relative to the date of filing) for the disposition of petitions filed under section 1.2 of such title;

“(G) establish procedures for the inclusion of the specific language of the proposed rule or the proposed amendment of an existing rule in a notice of proposed rulemaking; and

“(H) require notices of proposed rulemaking and orders adopting a rule or amending an existing rule that—

“(i) create (or propose to create) a program activity to contain performance measures for evaluating the effectiveness of the program activity; and

“(ii) substantially change (or propose to substantially change) a program activity to contain—

“(I) performance measures for evaluating the effectiveness of the program activity as changed (or proposed to be changed); or

“(II) a finding that existing performance measures will effectively evaluate the program activity as changed (or proposed to be changed).

“(3) INQUIRY.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete an inquiry to seek public comment on whether and how the Commission should—

“(A) establish procedures for allowing a bipartisan majority of Commissioners to place an order, decision, report, or action on the agenda of an open meeting;

“(B) establish procedures for informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

“(C) establish procedures for ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule;

“(D) establish procedures for publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the public has the opportunity to read the text before a vote is taken;

“(E) establish deadlines (relative to the date of filing) for disposition of applications for a license under section 1.913 of title 47, Code of Federal Regulations;

“(F) assign resources needed in order to meet the deadlines described in subparagraph (E), including whether the Commission's ability to meet such deadlines would be enhanced by assessing a fee from applicants for such a license; and

“(G) except as otherwise provided in section 4(p), publish each order, decision, report, or action not later than 30 days after the date of the adoption of such order, decision, report, or action.

“(4) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

“(5) GAO AUDIT.—Not less frequently than every 6 months, the Comptroller General of the United States shall audit the cost estimates provided by the Commission under paragraph (2)(D)(iii) during the preceding 6-month period.

“(b) PERIODIC REVIEW.—On the date that is 5 years after the completion of the rulemaking proceeding under subsection (a)(1), and every 5 years thereafter, the Commission shall initiate a new rulemaking proceeding to continue to consider such procedural changes to its rules as may be in the public interest to maximize opportunities for public participation and efficient decisionmaking.

“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

“(A) a vote or any other agency action is not taken at such meeting;

“(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board or conference established under section 410, or a person on the staff of such a joint board or

conference or of a member of such a joint board or conference; and

“(C) an attorney from the Office of General Counsel of the Commission is present at such meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

“(A) a list of the persons who attended such meeting; and

“(B) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

“(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

“(d) ACCESS TO CERTAIN INFORMATION ON COMMISSION'S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

“(1) detailed information regarding—

“(A) the budget of the Commission for the current fiscal year;

“(B) the appropriations for the Commission for such fiscal year; and

“(C) the total number of full-time equivalent employees of the Commission; and

“(2) the performance plan most recently made available by the Commission under section 1115(b) of title 31, United States Code.

“(e) INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.—The chairman of the Commission shall—

“(1) publish on the Internet website of the Commission any policies or procedures of the Commission that—

“(A) are established by the chairman; and

“(B) relate to the functioning of the Commission or the handling of the agenda of the Commission; and

“(2) update such publication not later than 48 hours after the chairman makes changes to any such policies or procedures.

“(f) FEDERAL REGISTER PUBLICATION.—

“(1) IN GENERAL.—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

“(2) DATE DESCRIBED.—The date described in this paragraph is the earlier of—

“(A) the day that is 45 days after the date of the release of the document; or

“(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

“(3) NO EFFECT ON DEADLINES FOR PUBLICATION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

“(g) CONSUMER COMPLAINT DATABASE.—

“(1) IN GENERAL.—In evaluating and processing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that—

“(A) facilitates easy use by consumers; and

“(B) to the extent practicable, is sortable and accessible by—

“(i) the date of the filing of the complaint;
 “(ii) the topic of the complaint;
 “(iii) the party complained of; and
 “(iv) other elements that the Commission considers in the public interest.

“(2) **DUPLICATIVE COMPLAINTS.**—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

“(h) **FORM OF PUBLICATION.**—

“(1) **IN GENERAL.**—In complying with a requirement of this section to publish a document, the Commission shall publish such document on its website, in addition to publishing such document in any other form that the Commission is required to use or is permitted to and chooses to use.

“(2) **EXCEPTION.**—The Commission shall by rule establish procedures for redacting documents required to be published by this section so that the published versions of such documents do not contain—

“(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

“(B) information that is proprietary or confidential.

“(i) **TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.**—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

“(1) Publishing on the Commission's website the Commission's logs for tracking, responding to, and managing requests submitted under such section, including the Commission's fee estimates, fee categories, and fee request determinations.

“(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission's Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

“(3) Publishing on the Commission's website electronic copies of documents released under such section.

“(4) Presenting information about the Commission's handling of requests under such section in the Commission's annual budget estimates submitted to Congress and the Commission's annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission's processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission's results with the most recent average for the United States Government as published on www.foia.gov.

“(j) **PROMPT RELEASE OF STATISTICAL REPORTS AND REPORTS TO CONGRESS.**—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

“(k) **ANNUAL SCORECARD REPORTS.**—

“(1) **IN GENERAL.**—For the 1-year period beginning on January 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsection

(a)(2)(E) and the guidelines established under subsection (a)(2)(F).

“(2) **CONTENTS.**—Each report required by paragraph (1) shall contain detailed statistics on such performance, including, with respect to each Bureau of the Commission—

“(A) with respect to each type of filing specified in subsection (a)(2)(E) or (a)(2)(F)—

“(i) the number of filings that were pending on the last day of the period covered by such report;

“(ii) the number of filings described in clause (i) for which each applicable deadline or guideline established under such subsection was not met and the average length of time such filings have been pending; and

“(iii) for filings that were resolved during such period, the average time between initiation and resolution and the percentage for which each applicable deadline or guideline established under such subsection was met;

“(B) with respect to proceedings before an administrative law judge—

“(i) the number of such proceedings completed during such period; and

“(ii) the number of such proceedings pending on the last day of such period; and

“(C) the number of independent studies or analyses published by the Commission during such period.

“(3) **PUBLICATION AND SUBMISSION.**—The Commission shall publish and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate each report required by paragraph (1) not later than the date that is 30 days after the last day of the period covered by such report.

“(1) **DEFINITIONS.**—In this section:

“(1) **AMENDMENT.**—The term ‘amendment’ includes, when used with respect to an existing rule, the deletion of such rule.

“(2) **BIPARTISAN MAJORITY.**—The term ‘bipartisan majority’ means, when used with respect to a group of Commissioners, that such group—

“(A) is a group of three or more Commissioners; and

“(B) includes, for each political party of which any Commissioner is a member, at least one Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least one unaffiliated Commissioner.

“(3) **PERFORMANCE MEASURE.**—The term ‘performance measure’ means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

“(4) **PROGRAM ACTIVITY.**—The term ‘program activity’ has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to \$100,000,000.

“(5) **OTHER DEFINITIONS.**—The terms ‘agency action’, ‘ex parte communication’, and ‘rule’ have the meanings given such terms in section 551 of title 5, United States Code.”.

(b) **EFFECTIVE DATES AND IMPLEMENTING RULES.**—

(1) **EFFECTIVE DATES.**—

(A) **NONPUBLIC COLLABORATIVE DISCUSSIONS.**—Subsection (c) of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the first date on which all of the procedural changes to the rules of the Commission required by subsection (a)(1) of such section have taken effect.

(B) **REPORT RELEASE SCHEDULES.**—Subsection (j) of such section 13 shall apply with respect to 2017 and any year thereafter.

(C) **ANNUAL SCORECARD REPORTS.**—Subsection (k) of such section 13 shall apply with respect to 2016 and any year thereafter.

(D) **INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.**—Subsection (e) of such section 13 shall apply beginning on the date that is 30 days after the date of the enactment of this Act.

(2) **RULES.**—Except as otherwise provided in such section 13, the Commission shall promulgate any rules necessary to carry out such section not later than 1 year after the date of the enactment of this Act.

SEC. 102. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

SEC. 103. EFFECT ON OTHER LAWS.

Nothing in this title or the amendments made by this title shall relieve the Commission from any obligations under title 5, United States Code, except where otherwise expressly provided.

SEC. 104. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

Section 302 of Public Law 108-494 (118 Stat. 3998) is amended by striking “December 31, 2017” each place it appears and inserting “December 31, 2020”.

SEC. 105. REPORT ON IMPROVING SMALL BUSINESS PARTICIPATION IN FCC PROCEEDINGS.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Administrator of the Small Business Administration, shall submit to Congress a report on—

(1) actions that the Commission will take to improve the participation of small businesses in the proceedings of the Commission; and

(2) recommendations for any legislation that the Commission considers appropriate to improve such participation.

SEC. 106. TIMELY AVAILABILITY OF ITEMS ADOPTED BY VOTE OF THE COMMISSION.

(a) **AMENDMENT.**—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end the following:

“(p) In the case of any item that is adopted by vote of the Commission, the Commission shall publish on the Internet website of the Commission the text of such item not later than 24 hours after the Secretary of the Commission has received dissenting statements from all Commissioners wishing to submit such a statement with respect to such item.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to an item that is adopted after the date that is 30 days after the date of the enactment of this Act.

TITLE II—FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING

SEC. 201. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by section 101(a), is further amended by adding at the end the following:

“SEC. 14. COMMUNICATIONS MARKETPLACE REPORT.

“(a) **IN GENERAL.**—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to

the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

“(b) CONTENTS.—Each report required by subsection (a) shall—

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment, including whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion;

“(3) assess whether laws, regulations, or regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or foreign governments) pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services;

“(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3); and

“(5) describe the actions that the Commission has taken in pursuit of the agenda described pursuant to paragraph (4) in the previous report submitted under this section.

“(c) EXTENSION.—If the President designates a Commissioner as Chairman of the Commission during the last quarter of an even-numbered year, the portion of the report required by subsection (b)(4) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as an addendum during the first quarter of the following odd-numbered year.

“(d) SPECIAL REQUIREMENTS.—

“(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

“(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability.

“(3) INTERNATIONAL COMPARISONS AND DEMOGRAPHIC INFORMATION.—The Commission may use readily available data to draw appropriate comparisons between the United States communications marketplace and the international communications marketplace and to correlate its assessments with demographic information.

“(4) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under

subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).

“(5) CONSIDERING CABLE RATES.—In assessing the state of competition under subsection (b)(1), the Commission shall include in each report required by subsection (a) the aggregate average total amount paid by cable systems in compensation under section 325 during the period covered by such report.”.

SEC. 202. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109-34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103 of the Broadband Data Improvement Act (47 U.S.C. 1303) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—

(1) IN GENERAL.—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENT.—Section 613(a)(3) of the Communications Act of 1934 (47 U.S.C. 533(a)(3)) is amended by striking “623(l)” and inserting “623(k)”.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) SECTION 706 REPORT.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

(1) by amending subsection (b) to read as follows:

“(b) DETERMINATION.—If the Commission determines in its report under section 14 of the Communications Act of 1934, after considering the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms), that advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion, the Commission shall take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.”;

(2) by striking subsection (c);

(3) in subsection (d), by striking “this subsection” and inserting “this section”; and

(4) by redesignating subsection (d) as subsection (c).

(h) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154), as amended by section 106(a), is further amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (p) as subsections (k) through (o), respectively.

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 9(i), by striking “In the Commission’s annual report, the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission”; and

(B) in section 309(j)(8)(B), by striking the last sentence.

(j) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

(A) in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and

(B) in subsection (g), by striking paragraph (2);

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(3) in section 227(e), by striking paragraph (4);

(4) in section 309(j)—

(A) by striking paragraph (12); and

(B) in paragraph (15)(C), by striking clause (iv);

(5) in section 331(b), by striking the last sentence;

(6) in section 336(e), by amending paragraph (4) to read as follows:

“(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.”;

(7) in section 339(c), by striking paragraph (1);

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

(C) in subsection (1)(1)(B), by striking “shall be included” and all that follows through “The audit report”; and

(D) by striking subsection (m);

(9) in section 398(b)(4), by striking the third sentence;

(10) in section 624A(b)(1)—

(A) by striking “REPORT; REGULATIONS” and inserting “REGULATIONS”;

(B) by striking “Within 1 year after” and all that follows through “on means of assuring” and inserting “The Commission shall issue such regulations as are necessary to assure”; and

(C) by striking “Within 180 days after” and all that follows through “to assure such compatibility.”; and

(11) in section 713, by striking subsection (a).

SEC. 203. EFFECT ON AUTHORITY.

Nothing in this title or the amendments made by this title shall be construed to expand or contract the authority of the Commission.

SEC. 204. OTHER REPORTS.

Nothing in this title or the amendments made by this title shall be construed to prohibit or otherwise prevent the Commission from producing any additional reports otherwise within the authority of the Commission.

TITLE III—SMALL BUSINESS BROADBAND DEPLOYMENT

SEC. 301. EXCEPTION TO ENHANCEMENT TO TRANSPARENCY REQUIREMENTS FOR SMALL BUSINESSES.

(a) IN GENERAL.—The enhancements to the transparency rule of the Commission under section 8.3 of title 47, Code of Federal Regulations, as described in paragraphs 162 through 184 of the Report and Order on Remand, Declaratory Ruling, and Order of the Commission with regard to protecting and promoting the open Internet (adopted February 26, 2015) (FCC 15-24), shall not apply to any small business.

(b) SUNSET.—Subsection (a) shall not have any force or effect after the date that is 5 years after the date of the enactment of this Act.

(c) REPORT BY FCC.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains the recommendations of the Commission (and data supporting such recommendations) regarding—

(1) whether the exception provided by subsection (a) should be made permanent; and

(2) whether the definition of the term “small business” for purposes of such exception should be modified from the definition in subsection (d)(2).

(d) DEFINITIONS.—In this section:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term “broadband Internet access service” has the meaning given such term in section 8.2 of title 47, Code of Federal Regulations.

(2) SMALL BUSINESS.—The term “small business” means any provider of broadband Internet access service that has not more than 250,000 subscribers.

TITLE IV—KARI'S LAW

SEC. 401. SHORT TITLE.

This title may be cited as the “Kari's Law Act of 2016”.

SEC. 402. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9-1-1.

(a) IN GENERAL.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following: “SEC. 721. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9-1-1.

“(a) SYSTEM MANUFACTURE, IMPORTATION, SALE, AND LEASE.—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems may not manufacture or import for use in the United States, or sell or lease or offer to sell or lease in the United States, a multi-line telephone system, unless such system is pre-configured such that, when properly installed in accordance with subsection (b), a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit ‘9’, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

“(b) SYSTEM INSTALLATION, MANAGEMENT, AND OPERATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems may not install, manage, or operate for use in the United States such a system, unless such system is configured such that a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit ‘9’, regardless of whether

the user is required to dial such a digit, code, prefix, or post-fix for other calls.

“(c) ON-SITE NOTIFICATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems shall, in installing, managing, or operating such a system for use in the United States, configure the system to provide a notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system.

“(d) EFFECT ON STATE LAW.—Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with this Act.

“(e) ENFORCEMENT.—This section shall be enforced under title V, except that section 501 applies only to the extent that such section provides for the punishment of a fine.

“(f) MULTI-LINE TELEPHONE SYSTEM DEFINED.—In this section, the term ‘multi-line telephone system’ has the meaning given such term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 721 of the Communications Act of 1934, as added by subsection (a) of this section, shall apply beginning on the date that is 2 years after the date of the enactment of this Act.

(2) EXCEPTION.—Subsection (b) or (c) of such section 721 shall not apply to a multi-line telephone system that was installed before the date that is 2 years after the date of the enactment of this Act if such system is not able to be configured to meet the requirement of such subsection (b) or (c), respectively, without an improvement to the hardware or software of the system.

TITLE V—SECURING ACCESS TO NETWORKS IN DISASTERS

SEC. 501. STUDY ON NETWORK RESILIENCY.

Not later than 36 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publicly available on the Commission's website, a study on the public safety benefits and technical feasibility and cost of—

(1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9-1-1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;

(2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9-1-1 services during times of emergency when mobile service is unavailable; and

(3) other alternative means of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.

SEC. 502. ACCESS TO ESSENTIAL SERVICE PROVIDERS DURING FEDERALLY DECLARED EMERGENCIES.

Section 427(a)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189e(a)(1)(A)) is amended by striking “telecommunications service” and inserting “wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service”.

SEC. 503. DEFINITIONS.

As used in this title—

(1) the term “mobile service” means commercial mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(2) the term “WiFi access point” means wireless Internet access using the standard designated as 802.11 or any variant thereof; and

(3) the term “times of emergency” means either an emergency as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), or an emergency as declared by the governor of a State or territory of the United States.

TITLE VI—SPOOFING PREVENTION

SEC. 601. SPOOFING PREVENTION.

(a) EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient is within the United States, in connection with any voice service or text messaging service”.

(2) COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;

(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and

(C) by striking subparagraph (C) and inserting the following:

“(C) TEXT MESSAGE.—The term ‘text message’—

“(i) means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N11 service code;

“(ii) includes a short message service (commonly referred to as ‘SMS’) message and a multimedia message service (commonly referred to as ‘MMS’) message; and

“(iii) does not include—

“(I) a real-time, 2-way voice or video communication; or

“(II) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in clause (ii).

“(D) TEXT MESSAGING SERVICE.—The term ‘text messaging service’ means a service that enables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

“(E) VOICE SERVICE.—The term ‘voice service’—

“(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

“(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.”.

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C.

227(e)) is amended in the heading by inserting “MISLEADING OR” before “INACCURATE”.

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking “Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission” and inserting “The Commission”.

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date on which the Commission prescribes regulations under paragraph (4).

(b) CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) DEVELOPMENT OF MATERIALS.—Not later than 1 year after the date of enactment of this Act, the Commission, in coordination with the Federal Trade Commission, shall develop consumer education materials that provide information about—

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) CONTENTS.—In developing the consumer education materials under paragraph (1), the Commission shall—

(A) identify existing technologies, if any, that can help consumers guard themselves against scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information, including—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity; and

(ii) details on how consumers can access and use the technologies; and

(B) provide other information that may help consumers identify and avoid scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information.

(3) UPDATES.—The Commission shall ensure that the consumer education materials required under paragraph (1) are updated on a regular basis.

(4) WEBSITE.—The Commission shall include the consumer education materials developed under paragraph (1) on its website.

(c) GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

(2) REQUIRED CONSIDERATIONS.—In conducting the study under paragraph (1), the Comptroller General shall examine—

(A) trends in the types of scams that rely on misleading or inaccurate caller identification information;

(B) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and other entities to develop technical standards

to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

(D) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under paragraph (1), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with—

(1) the Telephone Consumer Protection Act of 1991 (Public Law 102-243; 105 Stat. 2394) or the amendments made by that Act; or

(2) the CAN-SPAM Act of 2003 (15 U.S.C. 7701 et seq.).

TITLE VII—AMATEUR RADIO PARITY

SEC. 701. FINDINGS.

Congress finds the following:

(1) More than 730,000 radio amateurs in the United States are licensed by the Commission in the amateur radio services.

(2) Amateur radio, at no cost to taxpayers, provides a fertile ground for technical self-training in modern telecommunications, electronics technology, and emergency communications techniques and protocols.

(3) There is a strong Federal interest in the effective performance of amateur stations established at the residences of licensees. Such stations have been shown to be frequently and increasingly precluded by unreasonable private land use restrictions, including restrictive covenants.

(4) Commission regulations have for three decades prohibited the application to stations in the amateur service of State and local regulations that preclude or fail to reasonably accommodate amateur service communications, or that do not constitute the minimum practicable regulation to accomplish a legitimate State or local purpose. Commission policy has been and is to require States and localities to permit erection of a station antenna structure at heights and dimensions sufficient to accommodate amateur service communications.

(5) The Commission has sought guidance and direction from Congress with respect to the application of the Commission's limited preemption policy regarding amateur service communications to private land use restrictions, including restrictive covenants.

(6) There are aesthetic and common property considerations that are uniquely applicable to private land use regulations and the community associations obligated to enforce covenants, conditions, and restrictions in deed-restricted communities. These considerations are dissimilar to those applicable to State law and local ordinances regulating the same residential amateur radio facilities.

(7) In recognition of these considerations, a separate Federal policy than exists at section 97.15(b) of title 47, Code of Federal Regulations, is warranted concerning amateur service communications in deed-restricted communities.

(8) Community associations should fairly administer private land use regulations in

the interest of their communities, while nevertheless permitting the installation and maintenance of effective outdoor amateur radio antennas. There exist antenna designs and installations that can be consistent with the aesthetics and physical characteristics of land and structures in community associations while accommodating communications in the amateur radio services.

SEC. 702. APPLICATION OF PRIVATE LAND USE RESTRICTIONS TO AMATEUR STATIONS.

(a) AMENDMENT OF FCC RULES.—Not later than 120 days after the date of the enactment of this Act, the Commission shall amend section 97.15 of title 47, Code of Federal Regulations, by adding a new paragraph that prohibits the application to amateur stations of any private land use restriction, including a restrictive covenant, that—

(1) on its face or as applied, precludes communications in an amateur radio service;

(2) fails to permit a licensee in an amateur radio service to install and maintain an effective outdoor antenna on property under the exclusive use or control of the licensee; or

(3) does not constitute the minimum practicable restriction on such communications to accomplish the lawful purposes of a community association seeking to enforce such restriction.

(b) ADDITIONAL REQUIREMENTS.—In amending its rules as required by subsection (a), the Commission shall—

(1) require any licensee in an amateur radio service to notify and obtain prior approval from a community association concerning installation of an outdoor antenna;

(2) permit a community association to prohibit installation of any antenna or antenna support structure by a licensee in an amateur radio service on common property not under the exclusive use or control of the licensee; and

(3) subject to the standards specified in paragraphs (1) and (2) of subsection (a), permit a community association to establish reasonable written rules concerning height, location, size, and aesthetic impact of, and installation requirements for, outdoor antennas and support structures for the purpose of conducting communications in the amateur radio services.

SEC. 703. AFFIRMATION OF LIMITED PREEMPTION OF STATE AND LOCAL LAND USE REGULATION.

The Commission may not change section 97.15(b) of title 47, Code of Federal Regulations, which shall remain applicable to State and local land use regulation of amateur service communications.

SEC. 704. DEFINITIONS.

In this title:

(1) COMMUNITY ASSOCIATION.—The term “community association” means any non-profit mandatory membership organization composed of owners of real estate described in a declaration of covenants or created pursuant to a covenant or other applicable law with respect to which a person, by virtue of the person's ownership of or interest in a unit or parcel, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, improvement, services, or other expenses related to common elements, other units, or any other real estate other than the unit or parcel described in the declaration.

(2) TERMS DEFINED IN REGULATIONS.—The terms “amateur radio services”, “amateur service”, and “amateur station” have the meanings given such terms in section 97.3 of title 47, Code of Federal Regulations.

TITLE VIII—IMPROVING RURAL CALL QUALITY AND RELIABILITY

SEC. 801. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

Part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) is amended by adding at the end the following:

“SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

“(a) **REGISTRATION AND COMPLIANCE BY INTERMEDIATE PROVIDERS.**—An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

“(1) register with the Commission; and

“(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (c)(1)(B).

“(b) **REQUIRED USE OF REGISTERED INTERMEDIATE PROVIDERS.**—A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

“(c) **COMMISSION RULES.**—

“(1) **IN GENERAL.**—

“(A) **REGISTRY.**—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

“(B) **SERVICE QUALITY STANDARDS.**—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

“(2) **REQUIREMENTS.**—In promulgating the rules required by paragraph (1), the Commission shall—

“(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

“(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

“(d) **PUBLIC AVAILABILITY OF REGISTRY.**—The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

“(e) **SCOPE OF APPLICATION.**—The requirements of this section shall apply regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

“(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

“(g) **EFFECT ON OTHER LAWS.**—Nothing in this section shall be construed to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and enforce State law and regulations, regarding the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

“(h) **EXCEPTION.**—The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

“(1) on or before the date that is 1 year after the date of enactment of this section,

has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

“(2) continues to meet the requirements under such section 64.2107(a).

“(i) **DEFINITIONS.**—In this section:

“(1) **COVERED PROVIDER.**—The term ‘covered provider’ has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor thereto.

“(2) **COVERED VOICE COMMUNICATION.**—The term ‘covered voice communication’ means a voice communication (including any related signaling information) that is generated—

“(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

“(B) through any service provided by a covered provider.

“(3) **INTERMEDIATE PROVIDER.**—The term ‘intermediate provider’ means any entity that—

“(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is generated from the placement of a call placed—

“(i) from an end user connection using a North American Numbering Plan resource; or

“(ii) to an end user connection using such a numbering resource; and

“(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or terminating a given call.”.

Mr. WALDEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: “A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, to consolidate certain reporting obligations of the Commission, and to update certain other provisions of such Act, and for other purposes.”.

A motion to reconsider was laid on the table.

ADVANCING HOPE ACT OF 2016

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (S. 1878) to extend the pediatric priority review voucher program, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The text of the bill is as follows:

S. 1878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Advancing Hope Act of 2016”.

SEC. 2. REAUTHORIZATION OF PROGRAM FOR PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) **IN GENERAL.**—Section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by amending subparagraph (A) to read as follows:

“(A) The disease is a serious or life-threatening disease in which the serious or life-threatening manifestations primarily affect individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.”; and

(B) in paragraph (4)(F), by striking “Prescription Drug User Fee Amendments of 2012” and inserting “Advancing Hope Act of 2016”;

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

“(4) **NOTIFICATION.**—

“(A) **SPONSOR OF A RARE PEDIATRIC DISEASE PRODUCT.**—

“(i) **IN GENERAL.**—Beginning on the date that is 90 days after the date of enactment of the Advancing Hope Act of 2016, the sponsor of a rare pediatric disease product application that intends to request a priority review voucher under this section shall notify the Secretary of such intent upon submission of the rare pediatric disease product application that is the basis of the request for a priority review voucher.

“(ii) **APPLICATIONS SUBMITTED BUT NOT YET APPROVED.**—The sponsor of a rare pediatric disease product application that was submitted and that has not been approved as of the date of enactment of the Advancing Hope Act of 2016 shall be considered eligible for a priority review voucher, if—

“(I) such sponsor has submitted such rare pediatric disease product application—

“(aa) on or after the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012; and

“(bb) on or before the date of enactment of the Advancing Hope Act of 2016; and

“(II) such application otherwise meets the criteria for a priority review voucher under this section.

“(B) **SPONSOR OF A DRUG APPLICATION USING A PRIORITY REVIEW VOUCHER.**—

“(i) **IN GENERAL.**—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay the user fee to be assessed in accordance with this section.

“(ii) **TRANSFER AFTER NOTICE.**—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under clause (i) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.”; and

(B) by striking paragraph (5) and inserting the following:

“(5) **TERMINATION OF AUTHORITY.**—The Secretary may not award any priority review vouchers under paragraph (1) after December 31, 2016.”; and

(3) in subsection (g), by inserting before the period “, except that no sponsor of a rare pediatric disease product application may receive more than one priority review voucher issued under any section of this Act with respect to the drug for which the application is made.”

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act, or the amendments made by this Act, shall be construed to affect the validity of a priority review voucher that was issued under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) before the date of enactment of this Act.

SEC. 3. GAO REPORT.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on the effectiveness of awarding priority review vouchers under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) in providing incentives for the development of drugs that treat or prevent rare pediatric diseases (as defined in subsection (a)(3) of such section) that would not otherwise have been developed. In conducting such study, the Comptroller General shall examine the following:

(1) The indications for which each drug for which a priority review voucher was awarded under such section 529 was approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

(2) Whether the priority review voucher impacted sponsors' decisions to invest in developing a drug to treat or prevent a rare pediatric disease.

(3) An analysis of the drugs for which such priority review vouchers were used, which shall include—

(A) the indications for which such drugs were approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a));

(B) whether unmet medical needs were addressed through the approval of such drugs, including, for each such drug—

(i) if an alternative therapy was previously available to treat the indication; and

(ii) if the drug provided a benefit or advantage over another available therapy;

(C) the number of patients potentially treated by such drugs;

(D) the value of the priority review voucher if transferred; and

(E) the length of time between the date on which a priority review voucher was awarded and the date on which it was used.

(4) With respect to the priority review voucher program under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff)—

(A) the resources used by the Food and Drug Administration in implementing such program, including the effect of such program on the Food and Drug Administration's review of drugs for which a priority review voucher was not awarded or used;

(B) the impact of the program on the public health as a result of the review and approval of drugs that received a priority review voucher and products that were the subject of a redeemed priority review voucher; and

(C) alternative approaches to improving such program so that the program is appropriately targeted toward providing incentives for the development of clinically important drugs that—

(i) prevent or treat rare pediatric diseases; and

(ii) would likely not otherwise have been developed to prevent or treat such diseases.

(b) **REPORT.**—Not later than January 31, 2022, the Comptroller General of the United

States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study of conducted under subsection (a).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL AVIATION ADMINISTRATION VETERAN TRANSITION IMPROVEMENT ACT OF 2016

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2683) to include disabled veteran leave in the personnel management system of the Federal Aviation Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the bill is as follows:

S. 2683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Aviation Administration Veteran Transition Improvement Act of 2016”.

SEC. 2. INCLUSION OF DISABLED VETERAN LEAVE IN FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) **IN GENERAL.**—Section 40122(g)(2) of title 49, United States Code, is amended—

(1) in subparagraph (H), by striking “; and” and inserting a semicolon;

(2) in subparagraph (I)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave.”.

(b) **CERTIFICATION OF LEAVE.**—Section 40122(g) of such title is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) **CERTIFICATION OF DISABLED VETERAN LEAVE.**—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.”.

(c) **APPLICATION.**—The amendments made by this section shall apply with respect to any employee of the Federal Aviation Administration hired on or after the date that is one year after the date of the enactment of this Act.

(d) **POLICIES AND PROCEDURES.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe policies and procedures to carry out the amendments made by this section that are com-

parable, to the maximum extent practicable, to the regulations prescribed by the Office of Personnel Management under section 6329 of title 5, United States Code.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VETERANS DAY MOMENT OF SILENCE ACT

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 1004) to amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Veterans Day, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill is as follows:

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Day Moment of Silence Act”.

SEC. 2. OBSERVANCE OF VETERANS DAY.

(a) **TWO MINUTES OF SILENCE.**—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

“§ 145. Veterans Day

“The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—

“(1) 3:11 p.m. Atlantic standard time;

“(2) 2:11 p.m. eastern standard time;

“(3) 1:11 p.m. central standard time;

“(4) 12:11 p.m. mountain standard time;

“(5) 11:11 a.m. Pacific standard time;

“(6) 10:11 a.m. Alaska standard time; and

“(7) 9:11 a.m. Hawaii-Aleutian standard time.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

“145. Veterans Day.”.

Mr. LYNCH. Mr. Speaker, I rise today in support of S. 1004, the Veterans Day Moment of Silence Act. I am proud to have introduced the House version of this bill, H.R. 995.

This bipartisan legislation calls for two minutes of silence every Veterans Day. The set time of 2:11 P.M., Eastern Standard Time, will allow all Americans from coast to coast and Puerto Rico to come together as one nation to reflect on the service of our veterans, past and present. Generations of brave men and women have served the United States of America with honor, risking their lives to keep us safe and free. They deserve our support and, especially, our gratitude.

Mr. Speaker, our servicemembers have made, and continue to make, immense sacrifices. They leave their loved ones behind, operate in some of the most dangerous places in the world, and put themselves in harm's way to defend our nation. I have had the

honor and pleasure of meeting with servicemembers during my Congressional Delegations abroad. I am always moved by their professionalism, courage, and most especially, their dedication to their families, fellow service members, and country. This Moment of Silence legislation will send a powerful message of appreciation to our veterans for all that they do on behalf of our nation.

I would like to express my thanks to the leadership of the Veterans Affairs Committee, as well as to the bipartisan group of cosponsors who were steadfast in their support of H.R. 995. I am grateful to Senators KIRK and DURBIN for their leadership and stewardship of this initiative on the Senate side. I also wish to thank Daniel and Michael Bendetson, along with their father, Dr. Peter Bendetson, who first approached me with the concept of this tribute and have worked tirelessly for years to bring this proposal to fruition. Finally, I would like to thank all the veterans in the Eighth District of Massachusetts and across America, in whose honor I am proud to have introduced and supported the Veterans Day Moment of Silence Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on S. 1004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXPRESSING PROFOUND CONCERN ABOUT THE ONGOING POLITICAL, ECONOMIC, SOCIAL AND HUMANITARIAN CRISIS IN VENEZUELA

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 851) expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reserving the right to object, although I do not intend to object, I am proud to be the sponsor of H. Res. 851, which expresses profound concern about the shameful and rampant corruption of President Maduro's government and the plight of the Venezuelan people.

The Maduro regime's efforts to silence political opposition leaders, including by jailing Leopoldo Lopez and Daniel de Ceballos, are unconscionable.

And just last week, the National Electoral Council announced an outrageously high barrier to the referendum on his government that millions of Venezuelans are demanding.

His flagrant misconduct has brought a series of devastating crises to Venezuela. Families all across the country are starving. Their local store shelves are barren, many of them empty of both food and lifesaving medicine.

And Maduro still refuses to listen to the will of his people. They are crying out for their voices to be heard and their rights respected, and we must ensure they are not crying out in vain.

I am proud to cosponsor this legislation with my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

I withdraw my reservation of objection.

The SPEAKER pro tempore. The reservation is withdrawn.

Is there further objection to the request of the gentlewoman from Florida (Ms. ROS-LEHTINEN)?

There was no objection.

The text of the resolution is as follows:

H. RES. 851

Whereas the deterioration of basic governance and the economic crisis in Venezuela have reached deeply troubling levels, which in turn have led to an unprecedented humanitarian situation in Venezuela where millions of people are suffering from severe shortages of essential medicines and basic food products;

Whereas Venezuela lacks more than 80 percent of the basic medical supplies and equipment needed to treat its population, including medicine to treat chronic illnesses and cancer as well as basic antibiotics, and 85 percent of pharmacies are at risk of bankruptcy, according to the Venezuelan Pharmaceutical Federation;

Whereas, despite the massive shortages of basic foodstuffs and essential medicines, President of Venezuela Nicolas Maduro has rejected repeated requests from the majority of members of the National Assembly and civil society organizations to bring humanitarian aid into the country;

Whereas the International Monetary Fund assesses that, in Venezuela, inflation reached 275 percent and the gross domestic product contracted 5.7 percent in 2015, and further projects that inflation will reach 720 percent and the gross domestic product will contract an additional 8 percent in 2016;

Whereas Venezuela's political, economic, and humanitarian crisis is fueling social tensions that are resulting in growing incidents of public unrest, looting, and violence among citizens;

Whereas these social distortions are taking place amidst an alarming climate of violence as Caracas continues to have the highest per capita homicide rate in the world at 120 per 100,000 citizens, according to the United Nations Office on Drug and Crime;

Whereas the deterioration of governance in Venezuela has been exacerbated by widespread public corruption and the involvement of public officials in illicit narcotics trafficking and related money laundering, which has led to indictments by the United States Department of Justice and ongoing investigations by the United States Department of the Treasury and the United States Drug Enforcement Administration;

Whereas domestic and international human rights groups recognize more than 85

political prisoners in Venezuela, including opposition leader and former Chacao mayor Leopoldo Lopez, Judge Maria Lourdes Afiuni, Caracas Mayor Antonio Ledezma, former Zulia governor Manuel Rosales, and former San Cristobal mayor Daniel Ceballos;

Whereas, in December 2015, the people of Venezuela elected the opposition coalition (Mesa de Unidad Democrática) to a two-thirds majority in the unicameral National Assembly, with 112 out of the 167 seats compared with 55 seats for the government's Partido Socialista Unido de Venezuela party;

Whereas, in late December 2015, the outgoing National Assembly increased the number of seats in the Supreme Court of Venezuela and confirmed magistrates politically aligned with the Maduro Administration and, thereafter, the expanded Supreme Court has blocked four legislators, including 3 opposition legislators, from taking office;

Whereas, during the first 6 months of the new legislature, the Supreme Court has repeatedly issued politically motivated judgments to overturn legislation passed by the democratically elected National Assembly and block internal legislative procedures;

Whereas, in 2016, President Maduro has utilized emergency and legislative decree powers to bypass the National Assembly, which, alongside the actions of the Supreme Court, have severely undermined the principles of separation of powers in Venezuela;

Whereas, in May 2016, Organization of American States Secretary General Luis Almagro presented a 132-page report outlining grave alterations of the democratic order in Venezuela and invoked Article 20 of the Inter-American Democratic Charter, which calls on the OAS Permanent Council "to undertake a collective assessment of the situation";

Whereas, in June 2016, at a joint press conference with Prime Minister Justin Trudeau of Canada and President Enrique Peña Nieto of Mexico, President Barack Obama stated, "Given the very serious situation in Venezuela and the worsening plight of the Venezuelan people, together we're calling on the government and opposition to engage in meaningful dialogue and urge the Venezuelan government to respect the rule of law and the authority of the National Assembly"; and

Whereas, at the joint press conference with Prime Minister Justin Trudeau and President Peña Nieto, President Barack Obama continued, "Political prisoners should be released. The democratic process should be respected and that includes legitimate efforts to pursue a recall referendum consistent with Venezuelan law."; Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its profound concern about widespread shortages of essential medicines and basic food products faced by the people of Venezuela, and urges President Maduro to permit the delivery of humanitarian assistance;

(2) calls on the Government of Venezuela to immediately release all political prisoners, to provide protections for freedom of expression and assembly, and to respect internationally recognized human rights;

(3) supports meaningful efforts towards a dialogue that leads to respect for Venezuela's constitutional mechanisms and resolves the country's political, economic, social, and humanitarian crisis;

(4) affirms its support for OAS Secretary General Almagro's invocation of Article 20 of the Inter-American Democratic Charter and urges the OAS Permanent Council, which represents all of the organization's member states, to undertake a collective assessment of the constitutional and democratic order in Venezuela;

(5) expresses its great concern over the Venezuelan executive's lack of respect for the principle of separation of powers, its overreliance on emergency decree powers, and its subjugation of judicial independence;

(6) calls on the Government of Venezuela and security forces to respect the Constitution of Venezuela, including constitutional provisions that provide Venezuelan citizens with the right to peacefully pursue a fair and timely recall referendum for their President this year if they so choose;

(7) stresses the urgency of strengthening the rule of law and increasing efforts to combat impunity and public corruption in Venezuela, which has bankrupted a resource-rich country, fuels rising social tensions, and contributes to elevated levels of crime and violence; and

(8) urges the President of the United States to provide full support for OAS efforts in favor of constitutional and democratic solutions to the political impasse, and to instruct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of United States law and abuses of internationally recognized human rights.

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I have an amendment to the text of the resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) expresses its profound concern about widespread shortages of essential medicines and basic food products faced by the people of Venezuela, and urges President Maduro to permit the delivery of humanitarian assistance;

(2) calls on the Government of Venezuela to immediately release all political prisoners, including United States citizens, to provide protections for freedom of expression and assembly, and to respect internationally recognized human rights;

(3) supports meaningful efforts towards a dialogue that leads to respect for Venezuela's constitutional mechanisms and resolves the country's political, economic, social, and humanitarian crisis;

(4) affirms its support for OAS Secretary General Almagro's invocation of Article 20 of the Inter-American Democratic Charter and urges the OAS Permanent Council, which represents all of the organization's member states, to undertake a collective assessment of the constitutional and democratic order in Venezuela;

(5) expresses its great concern over the Venezuelan executive's lack of respect for the principle of separation of powers, its overreliance on emergency decree powers, and its threat to judicial independence;

(6) calls on the Government of Venezuela and security forces to respect the Constitution of Venezuela, including constitutional provisions that provide Venezuelan citizens with the right to peacefully pursue a fair and timely recall referendum for their President this year;

(7) stresses the urgency of strengthening the rule of law and increasing efforts to combat impunity and public corruption in Venezuela, which has bankrupted a resource-rich country, fuels rising social tensions, and contributes to elevated levels of crime and violence;

(8) urges the President of the United States to provide full support for OAS efforts in favor of constitutional and democratic solutions to the political impasse, and to in-

struct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of United States law and abuses of internationally recognized human rights; and

(9) urges the President to continue to stand in solidarity with the Venezuelan people by urging the Maduro government to—

(A) hold a fair and free recall referendum by the end of this calendar year;

(B) release all political prisoners, including United States citizens, from prison;

(C) adhere to democratic principles; and

(D) permit the delivery of emergency food and medicine.

Ms. ROS-LEHTINEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY

MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I have an amendment to the preamble at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike the preamble and insert the following:

Whereas the deterioration of basic governance and the economic crisis in Venezuela have reached deeply troubling levels, which in turn have led to an unprecedented humanitarian situation in Venezuela where millions of people are suffering from severe shortages of essential medicines and basic food products;

Whereas Venezuela lacks more than 80 percent of the basic medical supplies and equipment needed to treat its population, including medicine to treat chronic illnesses and cancer as well as basic antibiotics, and 85 percent of pharmacies are at risk of bankruptcy, according to the Venezuelan Pharmaceutical Federation;

Whereas, despite the massive shortages of basic foodstuffs and essential medicines, President of Venezuela Nicolas Maduro has rejected repeated requests from the majority of members of the National Assembly and civil society organizations to bring humanitarian aid into the country;

Whereas the International Monetary Fund assesses that, in Venezuela, inflation reached 275 percent and the gross domestic product contracted 5.7 percent in 2015, and further projects that inflation will reach 720 percent and the gross domestic product will contract an additional 8 percent in 2016;

Whereas Venezuela's political, economic, and humanitarian crisis is fueling social tensions that are resulting in growing incidents of public unrest, looting, and violence among citizens;

Whereas these social distortions are taking place amidst an alarming climate of violence as Caracas continues to have the highest per capita homicide rate in the world at 120 per 100,000 citizens, according to the United Nations Office on Drug and Crime;

Whereas the deterioration of governance in Venezuela has been exacerbated by widespread public corruption and the involvement of public officials in illicit narcotics trafficking and related money laundering, which has led to indictments by the United States Department of Justice and ongoing investigations by the United States Department of the Treasury and the United States Drug Enforcement Administration;

Whereas domestic and international human rights groups recognize more than 85 political prisoners in Venezuela, including United States citizens Francisco Márquez and Josh Holt, opposition leader and former Chacao Mayor Leopoldo Lopez, Judge Maria Lourdes Afiuni, Caracas Mayor Antonio Ledezma, former Zulia governor Manuel Rosales, and former San Cristobal mayor Daniel Ceballos;

Whereas, in December 2015, the people of Venezuela elected the opposition coalition (Mesa de Unidad Democrática) to a two-thirds majority in the unicameral National Assembly, with 112 out of the 167 seats compared with 55 seats for the government's Partido Socialista Unido de Venezuela party;

Whereas, in late December 2015, the outgoing National Assembly increased the number of seats in the Supreme Court of Venezuela and confirmed magistrates with the Maduro Administration and, thereafter, the expanded Supreme Court has blocked four legislators, including 3 opposition legislators, from taking office;

Whereas the Supreme Court has repeatedly issued politically motivated judgments to overturn legislation passed by the democratically elected National Assembly and block internal legislative procedures;

Whereas, in 2016, President Maduro has utilized emergency and legislative decree powers to bypass the National Assembly, which, alongside the actions of the Supreme Court, have severely undermined the principles of separation of powers in Venezuela;

Whereas democracy is failing in Venezuela, the Maduro government controls the presidency, a majority of the municipalities, the Supreme Court, the military leadership, the state-owned oil company (PDVSA) leadership, and most of the media;

Whereas the former Presidents of Spain, Panama, and the Dominican Republic have pursued dialogue between President Maduro and the National Assembly;

Whereas, in May 2016, Organization of American States Secretary General Luis Almagro presented a 132-page report outlining grave alterations of the democratic order in Venezuela and invoked Article 20 of the Inter-American Democratic Charter, which calls on the OAS Permanent Council "to undertake a collective assessment of the situation";

Whereas the countries of Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, United States, and Uruguay called on the Venezuelan Government in June 2016 to "guarantee the exercise of the constitutional rights of the Venezuelan people and that the remaining steps for the realization of the Presidential Recall Referendum be pursued clearly, concretely and without delay";

Whereas, in June 2016, at a joint press conference with Prime Minister Justin Trudeau of Canada and President Enrique Peña Nieto of Mexico, President Barack Obama stated, "Given the very serious situation in Venezuela and the worsening plight of the Venezuelan people, together we're calling on the government and opposition to engage in meaningful dialogue and urge the Venezuelan government to respect the rule of law and the authority of the National Assembly."; and

Whereas, at the joint press conference with Prime Minister Justin Trudeau and President Peña Nieto, President Barack Obama continued, "Political prisoners should be released. The democratic process should be respected and that includes legitimate efforts to pursue a recall referendum consistent with Venezuelan law." Now, therefore, be it

Ms. ROS-LEHTINEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

TREATMENT OF CERTAIN PAYMENTS IN EUGENICS COMPENSATION ACT

Mr. MCHENRY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1698) to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Treatment of Certain Payments in Eugenics Compensation Act”.

SEC. 2. EXCLUSION OF PAYMENTS FROM STATE EUGENICS COMPENSATION PROGRAMS FROM CONSIDERATION IN DETERMINING ELIGIBILITY FOR, OR THE AMOUNT OF, FEDERAL PUBLIC BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, payments made under a State eugenics compensation program shall not be considered as income or resources in determining eligibility for, or the amount of, any Federal public benefit.

(b) DEFINITIONS.—For purposes of this section:

(1) FEDERAL PUBLIC BENEFIT.—The term “Federal public benefit” means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

(2) STATE EUGENICS COMPENSATION PROGRAM.—The term “State eugenics compensation program” means a program established by State law that is intended to compensate individuals who were sterilized under the authority of the State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCHENRY) and the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 1698, the Treatment of Certain Payments in Eugenics Compensation Act, introduced by my friend and colleague, Senator THOM TILLIS of North Carolina. Senator BURR and Senator TILLIS have been very active in getting this bill passed through the United States Senate.

Mr. Speaker, S. 1698 is a bipartisan bill that will help victims of State government eugenics campaigns by excluding one-time, eugenics-related, compensation payments from consideration when calculating Federal benefits. In essence, this would ensure that the victims of State-based and State-mandated eugenics programs in the early part of the 20th century—which over 30 States actually had—are not further victimized by being kicked off the social safety net, which many of these victims who are still alive depend on.

Many of these victims are still alive today, as I mentioned. In North Carolina, at least, 220 out of the reported 7,600 victims were still living as of September of last year.

My home State has worked to make amends for those that the State victimized. Our State legislators, now led by Senator TILLIS passed—and the Governor signed—legislation that provided large, one-time compensation payments to victims of eugenics programs that are still alive and still in our society today.

In North Carolina, victims can receive payments from the State government ranging from \$20- to \$45,000. Our State is not alone. Virginia has a similar program, awarding \$25,000 in compensation to each victim of the State's eugenics programs.

These one-time compensation payments count as normal gross income under current Federal law and could have the unintended effect of increasing some of the victim's reported income, thereby costing them access to some Federal income-based benefits.

Mr. Speaker, such an outcome is unfair. These individuals have suffered great pain at the hands of their State government and must not be further victimized by losing the important benefits they are receiving today.

The takeaway is that this was a State-created problem and the State owed them compensation, and we should ensure that these individuals are able to get the benefits they need and deserve.

Mr. Speaker, this is important legislation that is bipartisan. I am happy to have the support of my colleague, Representative BUTTERFIELD, a Democrat from North Carolina, representing eastern North Carolina as a cosponsor of this important bill.

I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 1698, the Treatment of Certain Payments in Eugenics Compensation Act.

In the early 20th century, over 30 States enacted eugenics and compulsory sterilization laws, resulting in the involuntary sterilization of over 60,000 Americans. These horrendous and discriminatory laws targeted low-income individuals, particularly single mothers, African Americans, children from large families, and people with disabilities.

Recently, two States with the most aggressive eugenics programs, Virginia and North Carolina, passed State legislation to provide compensation to the living victims of these programs. In 2013, North Carolina set aside \$10 million for compensation payments; and, as of January 2015, the State had awarded approximately \$20,000 to each of the 220 victims. Last year, Virginia passed a bill awarding \$25,000 to each of its surviving eugenics victims.

While these payments are intended to compensate individuals for past wrongs, they may also have the unintended effect of causing victims to lose eligibility for Federal benefits determined by income thresholds. Under current law, victims who receive eugenics compensation could be denied Medicaid, Supplemental Nutrition Assistance, unemployment, or disability benefits should the payments raise their incomes above program eligibility levels.

Most eugenics victims were poor and disadvantaged in the early 20th century, and many remain so today. As such, they rely on these important Federal benefits programs to make ends meet.

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S. 1698 would ensure that State eugenics payments are treated like other medical compensation payments and not included in eligibility determination for Federal benefits. This would guarantee that eugenics victims receive all benefits they rightfully deserve.

We cannot undo the mistakes of the past, but we can do everything in our power to ensure that eugenics victims are not subjected to unfair treatment yet again. I urge my colleagues to support S. 1698.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WALKER).

Mr. WALKER. Mr. Speaker, today I rise in support of S. 1698, the Treatment of Certain Payments in Eugenics Compensation Act.

I commend the leadership of my colleagues and friends from the State of North Carolina, Senator TILLIS, Senator BURR, and Representative MCHENRY, on this important bipartisan issue.

Today, we address a dark chapter of the early 20th century in America. Dozens of State governments unjustly and unconscionably operated eugenics programs to sterilize—by force or coercion—individuals they deemed unfit to have children. It ruthlessly targeted the undereducated, the needy, the disabled, and even African Americans.

Thankfully, this shameful practice ended many years ago, but many of its victims are still with us today. While no apology or amount of money or benefit can ever return what was lost, Virginia and our State of North Carolina recently began restitution payments to victims of this grievous injustice.

Unfortunately, this program resulted in unintended burdens for eugenics victims. The restitution payments currently count as Federal income against eligibility for Federal benefits, such as Medicaid, and may result in the denial of these benefits. Counting these payments as Federal income when they are compensation for this horrendous injustice is not right.

We are considering this important legislation today to close the unintended loophole and ensure the Federal Government does not undermine the efforts of States to provide some amount of restitution to those who were victims of this grave crime of eugenics.

This bill should remind us that every life is precious. I wholeheartedly support this legislation and urge my colleagues to do the same.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield back the balance of my time.

Mr. MCHENRY. I yield myself such time as I may consume.

Mr. Speaker, I would like to close with this:

To my colleagues, I would like to thank my Democratic colleagues for being supportive of this bipartisan piece of legislation that originated in the Senate. I would like to commend Senators BURR and TILLIS for their work in getting this important legislation through the United States Senate.

The fact of the matter is we had State-based programs that victimized our population, and that State-based victimization should be righted for those who are living. That was important work of the State legislators in North Carolina that originated this victims' compensation fund in North Carolina. It is important that we do our part for the Federal Government to

ensure that those victims are not further victimized by losing their important social safety net programs that are lifesaving for them.

I urge my colleagues to support this legislation and urge its adoption.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, S. 1698.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BOTTLES AND BREASTFEEDING EQUIPMENT SCREENING ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5065) to direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, and juice on airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bottles and Breastfeeding Equipment Screening Act".

SEC. 2. TSA SECURITY SCREENING GUIDELINES FOR BABY FORMULA, BREAST MILK, PURIFIED DEIONIZED WATER FOR INFANTS, AND JUICE ON AIRPLANES; TRAINING ON SPECIAL PROCEDURES.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall—

(1) notify air carriers and security screening personnel of the Transportation Security Administration and personnel of private security companies providing security screening pursuant to section 44920 of title 49, United States Code, of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the Administration's guidelines known as the 3-1-1 Liquids Rule Exemption; and

(2) in training procedures for security screening personnel of the Administration and private security companies providing security screening pursuant to section 44920 of title 49, United States Code, include training on special screening procedures.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and in-

clude any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KATKO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER), the sponsor of this bill.

Ms. HERRERA BEUTLER. Mr. Speaker, I thank Mr. KATKO for his support and collaboration on this important piece of legislation.

Today, I am excited to support a bipartisan bill that I introduced, the Bottles and Breastfeeding Equipment Screening Act, or the BABES Act, to ensure that families aren't being penalized for simply trying to travel with supplies and equipment necessary to take care of their babies.

For parents, working moms, and caretakers, air travel can present its own unique challenges. To accommodate these challenges, the Transportation Security Administration, or TSA, has important exemptions in place that allow passengers to bring breast milk, bottles, and feeding equipment through airport security and on board the aircraft. It exempts them from the 3-1-1 rule.

You can imagine how important this is during longer flights for moms who have to be away from their infants for extended periods of time. I have been in this situation. This is critical.

Unfortunately, although this exemption is in place, we have seen a problem with compliance. There have been too many instances reported by parents that TSA officials either didn't know or simply refused to follow these exemptions. Parents who are trying to follow these rules are consistently singled out for harassment-like scrutiny by TSA. This has led to breast milk being forcibly tossed out, equipment being broken, and flights missed.

Mr. Speaker, a family following TSA's posted regulations shouldn't have to have their breast milk thrown out, shouldn't have to endure the travel nightmare of missing flights while they are traveling with kids because of the lack of training on the agency's part.

The BABES Act is a commonsense measure. It will hold TSA accountable in upholding its own current regulations and standards. I urge adoption of this important legislation.

I include in the RECORD two letters in support of this bill, one from the American Academy of Pediatrics and one from the March of Dimes.

AMERICAN ACADEMY OF PEDIATRICS,

May 17, 2016.

Hon. JAIME HERRERA BEUTLER,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HERRERA BEUTLER: On behalf of the American Academy of Pediatrics (AAP), a professional organization of 64,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children,

adolescents, and young adults, I write to express our appreciation for your efforts to ensure that the Transportation Security Administration (TSA) provides adequate support and accommodation for breastfeeding mothers.

The AAP strongly recommends breastfeeding as the preferred feeding method for all infants, including preterm newborn infants. Breastfeeding has proven to have numerous health benefits for both mother and child. Studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, ear infections, juvenile diabetes, some chronic liver diseases, allergies and obesity. Due to the resounding evidence of improved child health and well-being, AAP recommends that mothers breastfeed exclusively for about the first six months, followed by continued breastfeeding for at least the first year of a child's life as complementary foods are introduced.

Although TSA already permits parents traveling with infants to carry breast milk and formula on board planes, many parents encounter barriers when traveling with these liquids. The important efforts you've undertaken would help ensure that the TSA is providing ongoing training to its agents to ensure that current guidelines are consistently enforced, thereby helping to guarantee that parents are able to carry the supplies they need to care for their children while traveling.

The Academy is grateful to you for your commitment to the safety and well-being of infants and children and we look forward to working with you and the TSA to ensure consistent and appropriate training and policies that accommodate pregnant and breastfeeding mothers.

Sincerely,

KAREN REMLEY, MD, MBA,
MPH, FAAP,
CEO/Executive Director.

MARCH OF DIMES FOUNDATION,
OFFICE OF GOVERNMENT AFFAIRS,
September 19, 2016.

Hon. JAIME HERRERA BEUTLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN HERRERA BEUTLER: The March of Dimes, a unique collaboration of scientists, clinicians, parents, members of the business community, and other volunteers representing every state, the District of Columbia and Puerto Rico, applauds your efforts to support breastfeeding mothers and offers our endorsement for HR 5065, the Bottles and Breastfeeding Equipment Screening (BABES) Act.

Evidence demonstrates that breastfeeding has a range of significant health benefits for both mother and child. For the infant, the benefits of breastfeeding include protecting the newborn against infections, lowering the risk of sudden infant death syndrome (SIDS), and decreasing the risk for future health problems, including obesity. Unfortunately, many mothers experience obstacles to breastfeeding, including those associated with commercial air travel. The media has reported numerous cases in which women encounter difficulties bringing breastmilk, formula and infant feeding equipment through airport security checkpoints, despite Transit Security Administration (TSA) policies that allow these items in carry-on baggage.

The BABES Act would help eliminate this unnecessary hurdle by directing the TSA to ensure that all agents across the country are appropriately trained on TSA's policies and procedures related to mothers and families traveling with breastmilk, formula and in-

fant feeding equipment. These trainings will help to ensure that agents follow established policies to ensure that women who choose to breastfeed face one less barrier to doing so while travelling.

The March of Dimes appreciates your leadership on this important issue, and we look forward to continuing to work with you to promote infant health and nutrition.

Sincerely,

DR. JENNIFER L. HOWSE,
President.

Mr. KATKO. Mr. Speaker, I yield myself such time as I may consume.

The Bottles and Breastfeeding Equipment Screening Act is commonsense legislation introduced by the gentlewoman from Washington (Ms. HERRERA BEUTLER). This bill codifies into law a current policy of the TSA to allow formula, breast milk, and juice through airport screening checkpoints. Although the 3-1-1 liquids rule was put in place to respond to a very real and critical threat to aviation, we must ensure that these restrictions do not interfere with a woman's ability to feed her child.

As a father, a husband, and a brother of five sisters, I know the challenges of providing care to babies; and I know that this challenge is particularly great for traveling mothers who are breastfeeding their children.

This bill would greatly alleviate the restrictions relating to breast milk and allow families to go through checkpoints, with babies, quickly. This bill also gives parents one less thing to worry about on the way to the airport and ensures that the frontline officers at the airport checkpoints receive the proper training on implementing this important exception to a security regulation. I urge my colleagues to join me in supporting H.R. 5065.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5065, the Bottles and Breastfeeding Equipment Screening Act.

Mr. Speaker, it is important that those caring for young children are allowed to bring formula, breast milk, juice, and other necessary items through security checkpoints. Transportation Security Administration checkpoint security protocols already allow for this, but there is evidence that confusion about how these liquids are to be handled still exists. H.R. 5065 calls for TSA to ensure that air carriers and screening personnel are made aware of the TSA guidelines for screening these necessities.

I would note that amendments adopted during the full committee markup of these bills made the bill stronger. The committee unanimously accepted amendments offered by Representative RICE, the ranking member of the Subcommittee on Transportation Security, to ensure that this legislation is carried out by TSA in a manner so that its policies are followed whether a mother is traveling through an airport with TSA or with private screening.

Importantly, the committee also adopted an amendment by Representative SHEILA JACKSON LEE to clarify that purified deionized water for infants is also allowed.

Mr. Speaker, I urge Members to support this legislation.

I reserve the balance of my time.

Mr. KATKO. Mr. Speaker, I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman from Louisiana for his leadership. Let me thank my good friend from New York for his leadership, and the author of the legislation as well.

Again, let me compliment the Committee on Homeland Security along with the chairman, Mr. MCCAUL, and the ranking member, Mr. THOMPSON, because we find many opportunities to work together in a bipartisan manner as it relates to the security of this Nation.

I rise to support the Bottles and Breastfeeding Equipment Screening Act, as amended, by Representative HERRERA BEUTLER, H.R. 5065, and again congratulate those who brought this particular legislation forward. I am very grateful that my amendment regarding deionized water passed as an additional aspect of what breastfeeding mothers can bring.

Let me say that although we continue to work on challenges, TSA has been on the front lines of this Nation's safety and security since 9/11 and its creation under a large umbrella, which is the Department of Homeland Security. Our committee has given oversight to this particular agency. We have worked to make sure that we close the loopholes, if you will, for the traveling public.

Aviation is still one of the largest and most attractive targets of terrorists. We understand the responsibility of the Transportation Security Administration and our TSO officers. Their job is not an easy one. We have placed a lot of rules. We had a moment when there were questions of what could be brought through the checkpoint. In this instance, this is both common sense, and these provisions will help innocent Americans traveling with their young, their babies, their wonderful children or grandchildren the opportunity to make sure that they have the items that these children need. We have seen them traveling on our many planes and traveling across the Nation.

I want to support this legislation on the basis of common sense, aviation security, national security, and working together to help our mothers as they travel throughout this Nation.

Mr. Speaker, I rise in strong support of H.R. 5065 the "Bottles and Breastfeeding Equipment Screening Act" which codifies the practices already in place that allow liquids intended for infants and babies on flights.

I thank my colleague on the Homeland Security Congresswoman HERRERA BEUTLER for

authoring this bill, which requires the Department of Homeland Security (DHS) Secretary to notify Transportation Security Officers and airlines about TSA guidelines permitting baby milk and juice on airplanes and ensure that such special procedures be integrated into TSO security training.

I recall during the weeks and months following the September 11, 2001 attacks as the nation came to terms with the new normal of terrorism there was confusion and difficulty for young parents attempting traveling with infants.

The issues were centered on the liquids that infants and babies needed, which are included in the bill and include breast milk and juice.

During my service as chair of the Subcommittee on Transportation Security, the issue of baby formula was addressed.

The ultimate solution was a change in agency policy as it related to the limitation rule regarding liquids that were required for infants and babies.

H.R. 5065 would codify the practices that the agency has in place.

I am pleased that during the markup, the committee unanimously agreed to add the Jackson Lee Amendment to H.R. 5065 which adds "purified deionized water for infants" which is essential for newborns during the first 3 months of life to the list of allowed liquids for infants and babies who travel on commercial flights.

I thank the Committee's majority and minority staff for working with my staff on this improvement to the underlying bill.

I urge all members to support H.R. 5065.

Mr. KATKO. Mr. Speaker, I have no other speakers. If the gentleman from Louisiana has no other speakers, I am prepared to close once the gentleman does.

I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that this legislation was unanimously supported during full committee consideration. This is one of those areas where Congress, both sides of the aisle, came together to decide to pass a common-sense law to ease mothers and fathers who are traveling with infants, which, let me just say, is a stressful task all within itself.

To the extent that this body can make sure that we protect the traveling public but also enact common-sense rules and laws so that we make it just a little bit easier for those traveling with infants, I think it is a good thing. I am glad we came together. I would urge Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. KATKO. Mr. Speaker, once again, I urge Members to support H.R. 5065.

Before I yield back the balance of my time, I want to note what Ms. JACKSON LEE said earlier in her statement, and that is the Committee on Homeland Security does work very well together. Generally, it is a very bipartisan committee working for the common good of keeping this country safe. This is a small example of the cooperation we

have on a daily basis. I am proud to be a part of it, proud to work with my colleagues, Mr. RICHMOND and Ms. JACKSON LEE, from the other side of the aisle. I will continue to do that for the good of the country.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 5065, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes."

A motion to reconsider was laid on the table.

□ 1515

GAINS IN GLOBAL NUCLEAR DETECTION ARCHITECTURE ACT

Mr. RATCLIFFE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5391) to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gains in Global Nuclear Detection Architecture Act".

SEC. 2. DUTIES OF THE DOMESTIC NUCLEAR DETECTION OFFICE.

Section 1902 of the Homeland Security Act of 2002 (6 U.S.C. 592) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) IMPLEMENTATION.—In carrying out paragraph (6) of subsection (a), the Director of the Domestic Nuclear Detection Office shall—

"(1) develop and maintain documentation, such as a technology roadmap and strategy, that—

"(A) provides information on how the Office's research investments align with—

"(i) gaps in the enhanced global nuclear detection architecture, as developed pursuant to paragraph (4) of such subsection; and

"(ii) research challenges identified by the Director; and

"(B) defines in detail how the Office will address such research challenges;

"(2) document the rational for prioritizing and selecting research topics; and

"(3) develop a systematic approach, which may include annual metrics and periodic

qualitative evaluations, for evaluating how the outcomes of the Office's individual research projects collectively contribute to addressing the Office's research challenges."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RATCLIFFE) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. RATCLIFFE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RATCLIFFE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be considering H.R. 5391, the Gains in Global Nuclear Detection Architecture Act of 2016.

H.R. 5391 directs the Department of Homeland Security's Domestic Nuclear Detection Office, or DNDO, to develop and maintain documentation that provides information on how the Office's research investments align with gaps in the Global Nuclear Detection Architecture as well as the research challenges identified by the DNDO Director.

This bill further directs DNDO to document the rationale for selecting research topics and to develop a systematic approach for evaluating how the outcomes of the Office's individual research projects collectively contribute to addressing these research challenges.

Mr. Speaker, as the attacks in Paris, Brussels, and Turkey have shown, ISIS is accelerating its attacks on innocent people throughout the world. Individuals in this country have been inspired by ISIS to commit heinous acts and crimes on our soil, murdering 49 innocent souls in Orlando, Florida, and 14 more in San Bernardino, California.

Just this summer, 6 men were convicted in Tbilisi, Georgia, of trying to sell uranium-238; and in January, three members of a criminal group were detained for trying to sell cesium-137—both of which could be used to make a dirty bomb.

Mr. Speaker, we must absolutely ensure that terrorists never get their hands on radioactive materials, and this bill will enhance DNDO's ability to provide radiation detection devices specifically aimed at preventing terrorists from being able to obtain enough radioactive material to construct a dirty bomb.

This bill will ensure that the research topics DNDO chooses to invest in to enhance our ability to detect smuggled nuclear materials are aligned with the gaps that have been identified in the Global Nuclear Detection Architecture, a multi-agency framework for

detecting, analyzing, and reporting on nuclear and other radioactive materials that are out of regulatory control. Requiring DNDO to document the rationale for choosing research topics will ensure that the most important gaps in the Global Nuclear Detection Architecture are addressed.

Mr. Speaker, I am happy to support this measure today. I would like to thank my colleague, Mr. RICHMOND, and his team for the terrific work they have done to bring this legislation to the floor today. I believe that this bill will better enable this country to detect the smuggling of nuclear materials and will support the very critical mission of preventing ISIS and other terrorists from carrying out a nuclear or radiological attack on American soil. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5391, the Gains in Global Nuclear Detection Architecture Act. My bipartisan bill was approved unanimously by the Committee on Homeland Security on June 8. I appreciate the support of my ranking member, Mr. THOMPSON, and my colleagues across the aisle, Mr. RATCLIFFE and Chairman MCCAUL, in my efforts to advance this legislation.

In nuclear smuggling detection, we rely on the critical triad of intelligence, law enforcement, and technology. The Department of Homeland Security deploys detection technologies in maritime and border operations based on intelligence indicators and places them in the hands of well-trained DHS personnel.

At DHS, the Domestic Nuclear Detection Office, or DNDO, is responsible for the coordination of Federal efforts to detect and protect against attempts to import, possess, store, develop, or transport radioactive materials that may be used as weapons against our Nation.

DNDO, with its interagency partners, coordinates the U.S. Global Nuclear Detection Architecture, or GNDA, which is a framework for detecting, analyzing, and reporting on the smuggling of nuclear and radioactive materials.

In April 2015, the Government Accountability Office issued a report that looked at how DNDO manages its roughly \$350 million research and development program. The GAO concluded that DNDO needed to do a better job of documenting the rationale for selecting the 189 research and development projects that it funds and how these projects align with the research challenges and identified gaps, especially gaps or vulnerabilities identified in the GNDA.

Subsequently, I introduced the Gains in Global Nuclear Detection Architecture Act to, among other things, help certify that the planning, selection, and future funding of nuclear detection

research and development projects are targeted towards identified gaps in the GNDA. Such documentation is essential to confirm that DNDO is making the right research investments to keep the Nation secure.

I urge my colleagues to support this legislation.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Louisiana has 17½ minutes remaining.

Mr. RICHMOND. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I want to congratulate the gentleman for his legislation. It is very, very astute and a very important initiative, the Gains in Global Nuclear Detection Architecture Act. Again, I thank the chairman of the subcommittee as well for his leadership. He is a fellow Texan. We meet each other on several committees, but we have the opportunity to work together on these important issues.

Let me just briefly say how important this is. This is a fill-in-the-gap initiative. And the gap can be dangerous. It can be devastating. What it ensures is that we develop and maintain documentation that provides information on how the Office's research investment aligns with gaps in the enhanced Global Nuclear Detection Architecture and with research challenges identified by the Director, and that defines in detail how the Office will address such research challenges.

I have real life, if you will, examples, in the community that I come from. According to the U.S. Department of Transportation, the maritime border has 95,000 miles of shoreline and 361 seaports. One of those happens to be the Port of Houston.

Ocean transportation accounts for 95 percent of cargo tonnage that moves in and out of the country with 8,588 commercial vessels making 82,044 port calls in 2015. In my community alone, Houston, Texas, has a 25-mile maritime line.

In the Port of Houston, as we were ranked one of the first in foreign tonnage with 46 percent of market share by tonnage, we know what challenges come about in the potential of cargo being, if you will, exploited by putting in dangerous elements dealing with nuclear equipment.

So the idea of Homeland Security focusing on, as this legislation says, gains in Global Nuclear Detection Architecture, is crucial to supporting the Nation's ports, securing the Nation's tonnage, and securing the Nation.

The Securing the Cities Act was legislation that related to the idea of nuclear detection and interdiction of radiological materials. Just last year, the city of Houston was awarded an initial Securing the Cities grant of \$3.5 million as the initial installment of a \$30 million grant payable over 5 years.

This is a very important aspect of nuclear detection. This legislation is a

great partner to filling in the gap. The grant that we received in Houston was funded through the Urban Area Security Initiative Grant Program, which I cosponsored and truly believe is a major element of protection for our cities around the Nation.

This is, again, a potentially devastating impact if some nuclear materials were able to come into a port, come into an airport, come into our communities. I ask my colleagues to support H.R. 5391, Gains in Global Nuclear Detection Architecture Act, to be able to provide more security to the United States of America.

Mr. Speaker, I rise to speak in strong support of H.R. 5391, the Gains in Global Nuclear Detection Architecture Act, which will address the threat of nuclear weapons or unapproved material materials from entering the country.

I thank my colleague on the Homeland Security Congressman CEDRIC RICHMOND for authoring this bill, which requires the Department of Homeland Security (DHS) Domestic Nuclear Detection Office, when conducting research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material, to: develop and maintain documentation that provides information on how the Office's research investments align with gaps in the enhanced global nuclear detection architecture and with research challenges identified by the Director, and that defines in detail how the Office will address such research challenges; document the rationale for prioritizing and selecting research topics; and develop a systematic approach for evaluating how the outcomes of the Office's individual research projects collectively contribute to addressing its research challenges.

As a senior member of the Homeland Security Committee, and Ranking Member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, and serving as a member of this body representing the Houston area, which is home to one of our nation's busiest ports this topic is of great concern to me.

According to the U.S. Department of Transportation the U.S. maritime border covers 95,000 miles of shoreline with 361 seaports.

Ocean transportation accounts for 95 percent of cargo tonnage that moves in and out of the country, with 8,588 commercial vessels making 82,044 port calls in 2015.

The Port of Houston is a 25-mile-long complex of diversified public and private facilities located just a few hours' sailing time from the Gulf of Mexico.

In 2012 ship channel-related businesses contribute 1,026,820 jobs and generate more than \$178.5 billion in statewide economic impact.

In 2014, the Port of Houston was ranked among U.S. ports: 1st in foreign tonnage, Largest Texas port with 46% of market share by tonnage and 95% market share in containers by total TEUS in 2014, Largest Gulf Coast container port, handling 67% of U.S. Gulf Coast container traffic in 2014, 2nd ranked U.S. port in terms of total foreign cargo value (based on U.S. Dept. of Commerce, Bureau of Census).

The Government Accountability Office (GAO), reports that this port, and its waterways, and vessels are part of an economic engine handling more than \$700 billion in merchandise annually.

The Port of Houston houses approximately 100 steamship lines offering services that link Houston with 1,053 ports in 203 countries.

The Port of Houston has \$15 billion petrochemical complex, the largest in the nation and second largest worldwide.

These statistics clearly communicate the potential for a terrorist attack using nuclear or radiological material may in some estimations be low, but should an attack occur the consequences would be catastrophic, and for this reason we cannot be lax in our efforts to deter, detect and defeat attempts by terrorists to perpetrate such a heinous act of terrorism.

DHS plays an essential role in domestic defense against the potential smuggling of a weapon of mass destruction in a shipping container or the use of a bomb-laden small vessel to carry out an attack at a port.

I was pleased to have been one of the lead sponsors of the "Securing the Cities Act," when it was introduced in 2006 and reauthorized in 2010 and 2015.

The "Securing the Cities Act," mandated that DHS's Director for Domestic Nuclear Detection to create a Securing the Cities program.

The purpose of the "Securing the Cities Program" mandated by the legislation is to:

1. Assist state, local, tribal, and territorial governments in creating and implementing, or perfecting existing structures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

2. Support the creation of a region-wide operating capability to identify and report on nuclear and other radioactive materials out of operational control;

3. Provide resources to improve detection, analysis, communication, and organization to better integrate state, local, tribal, and territorial property into federal operations;

4. Facilitate the establishment of protocol and processes to effectively respond to threats posed by nuclear or radiological materials being acquired or used by terrorists; and

5. Designate participating jurisdictions from among high-risk urban areas and other cities and regions, as appropriate, and notify Congress at least three days before designating or changing such jurisdictions.

The 18th Congressional District of Texas, which I represent, is centered in the Houston area, the 4th largest city in the United States and home to over 2 million residents.

Last year the City of Houston was awarded an initial "Securing the Cities" grant of \$3.5 million by the Department of Homeland Security (DHS), as the initial installment of a \$30 million grant payable over 5 years.

This grant is funded through the Urban Area Security Initiative Grant Program, which I co-sponsored and have strongly supported throughout my tenure on the Homeland Security Committee.

The grant funding enables the City of Houston and its partners to work with DHS's Domestic Nuclear Office to build a robust, regional nuclear detection capability for law enforcement and first responder organizations.

This is an important joint local and federal effort to increase the ability of major urban cit-

ies to detect and protect against radiological and nuclear threats.

The DHS Domestic Nuclear Detection Office provides equipment and assistance to regional partners in conducting training and exercises to further their nuclear detection capabilities and coordinate with federal operations.

Unfortunately, the age of terrorism makes this a more dangerous and uncertain time than the decades following World War II when nation/state nuclear arsenals were being created.

Nuclear threats are more perilous than what our nation faced during the Cold War because these threats come from non-state actors who often do not have the same level of concern for the wellbeing of their people who may face the consequences of a nuclear attack against the United States.

This is why this legislation is needed to address the real threat of loose nuclear material and the possibility that it might find its way into the hands of terrorist or criminals.

It is important that we remain constantly vigilant on the issue of nuclear threats that are present in our world today.

H.R. 5391, is an essential tool to add to the work being done by DHS to deter, detect, mitigate and defend against domestic nuclear threats.

I encourage my colleagues on both sides of the aisle to support H.R. 5391.

Mr. RICHMOND. Mr. Speaker, I have no other speakers, and I yield myself the balance of my time.

Mr. Speaker, my bill, H.R. 5391, would help verify that DHS carefully prioritizes research and development projects to actually close identified vulnerability gaps in the Global Nuclear Detection Architecture.

Across the Federal Government, our goal is to prevent nuclear terrorism by making it an excessively difficult undertaking for our adversaries. Getting research and development right at DND is critical to that effort.

I would urge my colleagues to support H.R. 5391.

Mr. Speaker, I yield back the balance of my time.

Mr. RATCLIFFE. Mr. Speaker, I yield myself the balance of my time.

I, once again, would like to commend and congratulate my friend, the gentleman from Louisiana (Mr. RICHMOND), for this very important national security bill.

I urge my colleagues to support H.R. 5391.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill, H.R. 5391, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CO-OP CONSUMER PROTECTION ACT OF 2016

Mr. SMITH of Nebraska. Mr. Speaker, pursuant to House Resolution 893, I

call up the bill (H.R. 954) to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program, as amended, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CO-OP Consumer Protection Act of 2016".

SEC. 2. EXEMPTION FROM INDIVIDUAL MANDATE FOR CERTAIN INDIVIDUALS WHO HAD COVERAGE UNDER A TERMINATED HEALTH PLAN FUNDED THROUGH THE CONSUMER OPERATED AND ORIENTED PLAN (CO-OP) PROGRAM.

(a) IN GENERAL.—Section 5000A(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) CERTAIN INDIVIDUALS PREVIOUSLY ENROLLED IN HEALTH PLANS FUNDED THROUGH THE CONSUMER OPERATED AND ORIENTED PLAN (CO-OP) PROGRAM.—Any applicable individual for any month if—

"(A) such individual was enrolled in minimum essential coverage offered by a qualified nonprofit health insurance issuer (as defined in subsection (c) of section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042)) receiving funds with respect to such coverage through the Consumer Operated and Oriented Plan program established under such section,

"(B) during the calendar year which includes such month, such issuer terminated such coverage in the area in which the individual resides, and

"(C) such month ends after the date on which such coverage was so terminated."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to months beginning after December 31, 2013.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Nebraska (Mr. SMITH) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Nebraska.

□ 1530

GENERAL LEAVE

Mr. SMITH of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 954, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 954, the CO-OP Consumer Protection Act.

H.R. 954 is a simple bill rooted in fairness. If you are a consumer who complied with the Federal mandate to obtain health insurance coverage and your coverage was terminated midyear because the Consumer Oriented and Operated Plan, or CO-OP, you bought your plan from collapsed, you shouldn't be liable for the individual mandate penalty for the remainder of that calendar year.

I don't need to spend a lot of time on the history of the CO-OP program, but just very briefly, more than \$2 billion, largely in the form of low-interest, startup, and solvency loans, was distributed to approved CO-OPs under the ACA.

Now, 17 of the 23 CO-OPs, which received more than \$1.7 billion of those dollars, have closed or are in the process of closing, with the remaining six also struggling to remain solvent.

The 17th CO-OP to announce its closure was Health Republic of New Jersey, which announced it would be winding down prior to the 2017 plan year 2 weeks ago, just days after we marked up this bill in the Ways and Means Committee.

The first CO-OP to close was Co-Opportunity Health, which sold plans covering 120 Nebraskans and Iowans in 2014 before being taken over by the Iowa Department of Insurance late that year.

While health providers in Nebraska and Iowa were made whole for services provided to CoOpportunity planholders through the States' guaranty funds, consumers, and the remaining insurers in the two States are now paying back the guaranty funds for those costs.

Similar situations have played out in other States covered by collapsed CO-OPs, including States like New York, Oregon, Ohio, and Illinois, where planholders lost coverage midyear.

When CoOpportunity collapsed, I heard from nearly 300 constituents with concerns about what this loss of coverage meant to them and their finances. The vast majority of these people wanted to have health insurance coverage and did buy new coverage, but were concerned a brief lapse would still lead to them paying a penalty.

The other side will tell you this bill is unnecessary because these people were provided a special enrollment period and could already apply for a hardship exemption. Most Nebraskans took advantage of that special enrollment. I still heard from many of them that the likelihood of accidentally incurring a tax penalty was at the front of their minds during this period of time.

There are already more than 20 exemptions to the individual mandate in the law. Those who lost insurance through no fault of their own after

doing their best to follow the law and whose unique circumstances led them not to seek new coverage for the remainder of the year should not be forced to file additional paperwork and rely on the opinion of a bureaucrat to ensure they aren't subject to a tax penalty. And they certainly shouldn't have to worry about this additional tax, while also searching among very limited options for a new insurance plan.

Mr. Speaker, I acknowledge there is broad disagreement about the individual mandate. This bill isn't about that. It is about ensuring a small fraction of consumers in a small number of States who did their very best to comply with the law don't have to worry about the threat of a tax penalty. It is also about ensuring if any remaining CO-OPs are terminated midyear in the future that those consumers have one less concern than Nebraskans had last year.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill before us today is yet another attempt to undermine the Affordable Care Act, plain and simple. In fact, it is now the 65th such attempt by Republicans since the ACA was signed into law.

There is no denying that the ACA has provided quality, affordable health coverage to more than 20 million previously uninsured Americans. And importantly, individuals can no longer be denied coverage, as they could in the past, for preexisting conditions like high blood pressure or diabetes.

And thanks to the ACA, a new survey from the Centers for Disease Control and Prevention found that the number of uninsured Americans has fallen to just 8.6 percent, the lowest level ever recorded. Let's also not forget that over the last few years, healthcare costs have been growing at the slowest rate in more than 50 years, according to the Council of Economic Advisers. And the ACA improved Medicare's coverage for prescription medicines and preventive care for seniors.

This bill undermines the individual responsibility provision of the ACA, which is important in making many of its benefits possible, including no one being denied coverage, no preexisting conditions, and no gender discrimination.

There are provisions in the ACA to provide when coverage is interrupted in the middle of a policy. In cases of CO-OP closures during a policy year, there is the ACA provision of a special enrollment period, SEP, to allow individuals to continue to have coverage.

The Department of Health and Human Services indicates that each individual affected by a midyear CO-OP closure was contacted at least 20 times, providing individuals with additional plan choices they could enroll in during the special enrollment period. All individuals in States with midyear CO-OP closures had additional choices available to them.

And in instances where a purchasing plan needed to be undertaken and would be financially difficult, these individuals could also apply for a hardship exemption from the individual mandate penalty. HHS has a number of avenues for individuals to apply for an exemption for a variety of life circumstances where premiums are a financial burden.

The Joint Committee on Taxation scored this bill using a generic model, since there was no available data on the number of individuals potentially impacted.

Every step of the way, every step of the way, Republicans have worked to undermine CO-OPs and ensure their failure. Republicans were responsible for the severe reductions in the amount of money available to the CO-OPs from Federal loans and strict limits to risk corridor payments. CO-OPs that misestimated the risk pool should have been eligible for risk stabilization payments to help weather the early years of an unknown market, but the Republicans made sure those stabilizing funds would not be available as part of their effort to kill the ACA with a thousand cuts.

The American Academy of Actuaries noted that weakening the individual mandate, as this bill would do, will lead to both higher premium costs for patients and higher costs to the Federal Government.

BlueCross and BlueShield, one of the largest insurers in the Nation, agrees that exemptions from the mandate will drive prices higher.

We know that this bill will not be signed into law. This morning, the White House released its Statement of Administration Policy on this legislation, stating:

"The Administration strongly opposes House passage of H.R. 954. The Administration remains committed to providing Americans with accessible, quality, and affordable health coverage, including by addressing issues that arise when their health insurers stop offering coverage during the year. In such circumstances, the Administration has offered special enrollment periods, provided consumer outreach, and worked with state departments of insurance to ensure consumers have smooth transitions to other health plans. Individuals for whom coverage is unaffordable or who experience a hardship also may qualify for an exemption from the individual-responsibility provision of the law. These options are available to all consumers in these circumstances, not just those enrolled in coverage through CO-OPs.

"H.R. 954 would exempt anyone whose CO-OP ends coverage during the year from the individual-responsibility provision. This is unnecessary given consumer protections already available. Moreover, it would create a bad precedent for using exemptions from the individual-responsibility provision to address unrelated concerns about

the Affordable Care Act. The individual-responsibility provision is a necessary part of a system that prohibits discrimination against individuals with pre-existing conditions and requires guaranteed issuance. The provision helps prevent people from waiting until they get sick to buy health insurance or dropping health insurance when they believe they do not need it. Weakening the individual responsibility provision would increase health insurance premiums and decrease the number of Americans with coverage.

“The Administration always is willing to work with the Congress on fiscally responsible ways to further improve health care affordability and the Affordable Care Act. The President’s budget offers a number of proposals to do so. However, H.R. 954 would be a step in the wrong direction, because it would create a precedent that undermines a key part of the law and would do nothing to help middle-class families obtain affordable health care.

“If the President were presented with H.R. 954, he would veto the bill.”

Mr. Speaker, I reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

H.R. 954—CO-OP CONSUMER PROTECTION ACT OF 2016—REP. SMITH, R-NE, AND SEVEN COSPONSORS

The Administration strongly opposes House passage of H.R. 954. The Administration remains committed to providing Americans with accessible, quality, and affordable health coverage, including by addressing issues that arise when their health insurers stop offering coverage during the year. In such circumstances, the Administration has offered special enrollment periods, provided consumer outreach, and worked with state departments of insurance to ensure consumers have smooth transitions to other health plans. Individuals for whom coverage is unaffordable or who experience a hardship also may qualify for an exemption from the individual-responsibility provision of the law. These options are available to all consumers in these circumstances, not just those enrolled in coverage through CO-OPs.

H.R. 954 would exempt anyone whose CO-OP ends coverage during the year from the individual-responsibility provision. This is unnecessary given consumer protections already available. Moreover, it would create a bad precedent for using exemptions from the individual-responsibility provision to address unrelated concerns about the Affordable Care Act. The individual-responsibility provision is a necessary part of a system that prohibits discrimination against individuals with pre-existing conditions and requires guaranteed issuance. The provision helps prevent people from waiting until they get sick to buy health insurance or dropping health insurance when they believe they do not need it. Weakening the individual responsibility provision would increase health insurance premiums and decrease the number of Americans with coverage.

The Administration always is willing to work with the Congress on fiscally responsible ways to further improve health care affordability and the Affordable Care Act. The President’s Budget offers a number of proposals to do so. However, H.R. 954 would be a step in the wrong direction, because it would create a precedent that undermines a key part of the law and would do nothing to help middle-class families obtain affordable health care.

If the President were presented with H.R. 954, he would veto the bill.

Mr. SMITH of Nebraska. Mr. Speaker, I certainly will reflect briefly on the comments of my colleague across the aisle who says that all of the problems have been worked out, that all the provisions have been met, and that anyone who lost their coverage, through no fault of their own, would find an exemption or a consideration from the bureaucracy.

I just want to say that Americans who have lost their coverage certainly deserve certainty that they won’t be subject to the penalties when they lost their coverage, and not just promises that the Federal Government might take into consideration their situation.

There had been many characterizations of how easy enrollment would be some time ago. It hasn’t worked out that way.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the gentleman from Nebraska (Mr. SMITH) for yielding time to me.

Mr. Speaker since ObamaCare passed, we have seen nothing but major problems: higher costs, higher premium costs, higher out-of-pocket costs, network disruptions, and coverage disruptions.

Just 2 years after the implementation of ObamaCare, the Louisiana Health Cooperative closed its doors. Actual 2014 enrollment in the CO-OP was less than half of estimated enrollment: 13,000 midyear in 2014, compared to the 28,100 projected. By December 2014, those numbers had dropped significantly, the highest percentage loss among all the Nation’s 23 CO-OPs during that period.

Over 7,000 Louisianans complied with ACA’s individual mandate by purchasing health insurance through one of the CO-OPs created under the law, but their plan was terminated midyear by the failure of that CO-OP.

Now, let’s just have some common sense here. This was no fault of the good men and women who put their faith and put their hard-earned premium dollars into this CO-OP. They enrolled, as required by law. And it is just wrong, it is wrong to hold these working families financially responsible for the cost of a CO-OP’s failure because it went under due to factors out of their control.

Mr. SMITH’s bill is very narrowly crafted to provide this kind of relief. It is a commonsense bill. It helps people who are struggling with these costs, many of whom have lost employment and everything else.

That is why I support the CO-OP Consumer Protection Act. This is really important legislation that will help Americans across this country who have been harmed, harmed by ObamaCare’s closing of these CO-OPs. It is not their fault. We should provide them with some relief under difficult economic conditions.

I urge my colleagues to support this legislation. It is common sense. It is narrowly crafted, and it is the right thing to do. It is the moral thing to do.

□ 1545

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT), the ranking member on the Health Subcommittee of the Committee on Ways and Means.

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I would like to offer a piece of advice to my Republican colleagues. Be careful what you wish for because you may get it, because, despite this newfound compassion for consumers, if you listen to these crocodile tears flowing out here, you would think they really cared. The truth is Republicans wanted the CO-OPs to fail from the very start. For years, they have systematically undermined the program and made it virtually impossible for CO-OPs across this country to succeed.

Now, let’s look exactly at what they did, because that is a pretty hard thing I am saying. Back in 2013, under Republican leadership, Congress slashed the funding for loans and grants to CO-OPs by nearly two-thirds. The President set it at one level and the Republicans said: No, we will give you one-third of it. So they cut it from the very start. That devastated the program during the early days and denied consumers access to dozens of new plan choices in the marketplace.

But they didn’t stop there. They were determined they were going to get those CO-OPs. In 2014, the Republicans inserted a rider in the CR/omnibus bill. This blocked the administration from shifting discretionary funding—discretionary funding—into the ACA’s risk corridor program which they disingenuously—the Republicans—called an insurance company bailout. The truth is that this rider was a deliberate effort to destabilize CO-OPs which were taking on new populations under the ACA. It isn’t only the CO-OPs, but it is also the small insurers.

It cut risk corridor payments to one-eighth. The President put in a dollar, the Republicans put in 12 cents, and that devastated CO-OPs. It created unpredictability, and small insurers have also got their problems and are now raising rates. With the deck stacked against them, it is no wonder that so many fledgling CO-OPs struggled. They were a victim of a partisan political attack that they simply couldn’t withstand. They didn’t have the money.

Now, my Republican colleagues didn’t do this out of ignorance. They did it out of malice because they knew the importance of risk mitigation. They knew exactly what they were doing. In fact, when they wanted to make their own insurance program work—put in a few years before called part D of Medicare—the Republicans

embraced risk management with open arms. In 2003, when President Bush's Medicare part D bill incorporated risk management measures, they were nearly identical—nearly identical—to the ones in the ACA.

But unlike the ACA, they funded those measures very generously. In fact, as the part D market—the drug market—fully stabilized, many experts have been saying that the risk management measures could now be scaled back or revised. Yet, once the Republicans give money to somebody, they continue to fund it generously, funneling millions—billions, actually—into part D plan sponsors even if they don't need it. They are giving it to the drug companies. But they wouldn't give it to the CO-OPs. The drug companies they love, but the CO-OPs they hated, so they took it away.

Now, talk about an insurance company bailout. Of course, the Affordable Care Act hasn't received the same treatment. Instead, we are prepared today to vote again to undermine the law weakening the individual mandate with yet another carve-out. Republicans somehow believe you can put together a healthcare system and only take in the sick, I guess. You can't have an individual mandate that everybody has to be a part of it.

So this bill raises many questions, but we never even had a hearing on it. They didn't want anybody to come in and testify about what this bill was going to do or what it might do or what it has done or what it will do. They simply rammed it through the Ways and Means Committee. One member wanted it, and one member had one story from one place in this country and said this is a bill we need.

We don't actually know how many people might have paid the individual mandate because they didn't enroll in coverage following the midyear CO-OP collapse, but we do know one thing: this bill will weaken the individual mandate.

It seems like a small change, and I admit it is a small change, but if you go down this road—the Chinese say death by 1,000 cuts. This is the first cut or the second cut or whichever one you want. They are threatening the sustainability of the entire health insurance industry. We know this because, in Washington State, we have seen it.

When you try to provide universal coverage but don't have a mandate, the system simply doesn't work. We tried it in Washington State in 1993. We had an individual mandate and everybody had to have insurance and so forth, and then the Republicans in Washington State decided let's take out the individual mandate. The result was a disaster. Healthy people couldn't get covered, and premiums spiked out of control, creating a death spiral that devastated the individual insurance market.

By 1999, not one single insurer in the United States of America was selling individual policies in the State of

Washington because of taking away that individual mandate. This was a catastrophe for everyone: doctors, hospitals, insurers, and most importantly for consumers like the person that we heard the story about that we all feel it is too bad it happened. But they created it. They created the facts that made it happen.

So when my Republican colleagues put forward a bill to weaken the mandate under the guise of helping consumers, I have a hard time believing it because their record is clear. After more than 60 votes to deny Americans health coverage—they tried to repeal ObamaCare over and over and over and over and so on—years of systematic sabotage of the CO-OPs and today's crocodile tears about the plight of CO-OP consumers, it is downright impossible to take them seriously. The Members in this body should vote “no.”

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like the RECORD to reflect that hearings have taken place that have included the subject matter of the CO-OPs. In fact, I recall the chief of staff from HHS came before the Ways and Means Committee, and we had a rather extended discussion on the CO-OPs, CoOpportunity Health, and the numerous others that have failed; but, more importantly, it is crucial to establish the record on the risk corridor.

The gentleman from Washington stated that it is Republicans who designed this to fail. Number one, Republicans are not responsible for the design of any part of this. Interestingly enough, we were told by the administration, and, in fact, the administration is on record, that the risk corridor program was intended to be operated on a revenue-neutral basis, that is, risk corridor payments would be offset by payments collected by other insurers. Congress simply acted, and I would add, on a bipartisan basis to codify that very statement.

In fact, I include in the RECORD an April 2014 memo from CMS, from Centers for Medicare and Medicaid Services, explaining how risk corridor funding would be prorated if receipts were insufficient to meet requests.

DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR MEDICARE & MEDICAID SERVICES,

Washington, DC., April 11, 2014.

RISK CORRIDORS AND BUDGET NEUTRALITY

Q1: In the MIS Notice of Benefit and Payment Parameters for 2015 final rule (79 FR 13744) and the Exchange and Insurance Market Standards for 2015 and Beyond NPRM (79 FR 15808), HHS indicated that it intends to implement the risk corridors program in a budget neutral manner. What risk corridors payments will HHS make if risk corridors collections for a year are insufficient to fund risk corridors payments for the year, as calculated under the risk corridors formula?

A1: We anticipate that risk corridors collections will be sufficient to pay for all risk corridors payments. However, if risk corridors collections are insufficient to make risk corridors payments for a year, all risk

corridors payments for that year will be reduced pro rata to the extent of any shortfall. Risk corridors collections received for the next year will first be used to pay off the payment reductions issuers experienced in the previous year in a proportional manner, up to the point where issuers are reimbursed in full for the previous year, and will then be used to fund current year payments. If, after obligations for the previous year have been met, the total amount of collections available in the current year is insufficient to make payments in that year, the current year payments will be reduced pro rata to the extent of any shortfall. If any risk corridors funds remain after prior and current year payment obligations have been met, they will be held to offset potential insufficiencies in risk corridors collections in the next year.

Example 1: For 2014, HHS collects \$800 million in risk corridors charges, and QHP issuers seek \$600 million risk corridors payments under the risk corridors formula. HHS would make the \$600 million in risk corridors payments for 2014 and would retain the remaining \$200 million for use in 2015 and potentially 2016 in case of a shortfall.

Example 2: For 2015, HHS collects \$700 million in risk corridors charges, but QHP issuers seek \$1 billion in risk corridors payments under the risk corridors formula. With the \$200 million in excess charges collected for 2014, HHS would have a total of \$900 million available to make risk corridors payments in 2015. Each QHP issuer would receive a risk corridors payment equal to 90 percent of the calculated amount of the risk corridors payment, leaving an aggregate risk corridors shortfall of \$100 million for benefit year 2015. This \$100 million shortfall would be paid for from risk corridors charges collected for 2016 before any risk corridors payments are made for the 2016 benefit year.

Q2: What happens if risk corridors collections do not match risk corridors payments in the final year of risk corridors?

A2: We anticipate that risk corridors collections will be sufficient to pay for all risk corridors payments over the life of the three-year program. However, we will establish in future guidance or rulemaking how we will calculate risk corridors payments if risk corridors collections (plus any excess collections held over from previous years) do not match risk corridors payments as calculated under the risk corridors formula for the final year of the program.

Q3: If HHS reduces risk corridors payments for a particular year because risk corridors collections are insufficient to make those payments, how should an issuer's medical loss ratio (MLR) calculation account for that reduction?

A3: Under 45 CFR 153.710(g)(1)(iv), an issuer should reflect in its MLR report the risk corridors payment to be made by HHS as reflected in the notification provided under 153.510(d). Because issuers will submit their risk corridors and MLR data simultaneously, issuers will not know the extent of any reduction in risk corridors payments when submitting their MLR calculations. As detailed in 45 CFR 153.710(g)(2), that reduction should be reflected in the next following MLR report. Although it is possible that not accounting for the reduction could affect an issuer's rebate obligations, that effect will be mitigated in the initial year because the MLR ratio is calculated based on three years of data, and will be eliminated by the second year because the reduction will be reflected. We intend to provide more guidance on this reporting in the future.

Q4: In the 2015 Payment Notice, HHS stated that it might adjust risk corridors parameters up or down in order to ensure budget neutrality. Will there be further adjustments

to risk corridors in addition to those indicated in this FAQ?

A4: HHS believes that the approach outlined in this FAQ is the most equitable and efficient approach to implement risk corridors in a budget neutral manner. However, we may also make adjustments to the program for benefit year 2016 as appropriate.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I want to thank my good friend from Nebraska for yielding some time.

Mr. Speaker, it is interesting that we talk about crocodile tears. There is nothing of the sort on this side of the aisle. Frankly, I find it fascinating because, when I talk to some of my colleagues on the other side of the aisle, they recognize that there are issues and problems with the Affordable Care Act. Premiums have gone through the roof, deductibles are sky-high, and families are paying more and more each and every day in order to be able to provide health insurance for their families.

People say: I want to help fix, let's try to help fix. This is a very narrowly tailored bill, Mr. Speaker.

Let me tell you what this bill is not. This bill is not something that will abolish the individual mandate—far from it, far from abolishing the individual mandate.

Rising healthcare costs and uncertainty are plaguing communities and families across our country. In Illinois, the Land of Lincoln CO-OP collapsed in July, resulting in 49,000 people across the State losing their coverage. Now these families will need to switch plans and risk losing access to their doctors or pay a tax penalty at the end of the year, which will put affordability of quality care even further out of reach.

Mr. Speaker, here is just one example that I have heard from one of my constituents. They were paying nearly \$2,500 a month in premiums through the Land of Lincoln plan. Their family paid \$2,700 in their deductible and even put \$5,000 toward their out-of-pocket maximum. Now they are being forced, because it has gone away, to start back at zero. The plan ends on October 1.

So what this narrowly tailored bill would do, Mr. Speaker, is it would basically say, if you can't find a plan, if for some reason you don't get the memo back from the bureaucrat that you are not going to get a tax bill, it still requires that same family, come January 1, to go get insurance. But what we want to do is we want to say to these families that, if indeed you have not gotten your insurance in those 2 months, that you will not be given a tax penalty by the IRS.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Nebraska. Mr. Speaker, I yield the gentleman from Illinois an additional 1 minute.

Mr. DOLD. Here is the bottom line, Mr. Speaker. Families like the one that I just mentioned all across Illinois are already losing their healthcare cov-

erage. The absolute least we can do is help them get through this year by providing relief from a costly tax penalty.

The insurance that they lost, they lost through no fault of their own. They were doing the right things because they want coverage for their families. The least that we can do for these next couple of months—or should another CO-OP in the future fail mid-year—is not give them a tax penalty from the IRS.

Moving forward, I remain focused on working with everyone who is willing to roll up their sleeves and do the hard work needed to drive down costs, increase access to quality care, and make our healthcare system work for everyone.

Mr. LEVIN. I yield myself 1 minute, Mr. Speaker.

Mr. Speaker, I just want to say to the gentleman from Illinois that the last thing the Republicans have wanted to do is to work with us to make ACA work better—the last thing. Instead, they have, time and time again, tried to destroy ACA.

In Illinois, there are nine carriers providing health insurance. If there is an interruption, whether it is a CO-OP or another plan, under ACA, there is a special period available for people to obtain a different insurance—nine different carriers.

Essentially, what this is is an effort to destroy a provision that is so important to making healthcare reform viable. That is my answer to the gentleman from Illinois.

I reserve the balance of my time, Mr. Speaker.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Before I speak, Mr. Speaker, I want to congratulate the gentleman. He has seen a problem, he has listened to his constituents, and he is doing something about it—exactly what we expect from our statesmen.

Mr. Speaker, ObamaCare is collapsing all around us. Insurers are backing out, people can't afford the premiums, and even heavily subsidized CO-OPs are crashing. More than \$2 billion were funneled into 23 CO-OPs across the country: 16 have gone under or are about to go under; the other 7 are just treading water.

Now, what does that mean? That means people who had insurance, who purchased it just as ObamaCare forced them to do, were left in the lurch when the CO-OP they got and the insurance failed. Now, that is bad enough. This is just another way the promise that all of us were told "if you like your plan, you can keep it" was broken. So these people are left without insurance through no fault of their own, insurance they were forced to buy.

What is the response? What does ObamaCare say? Tax them. Tax them for not having insurance.

Now, I don't know about you, Mr. Speaker, but isn't that a little crazy? How can you punish people for not having insurance when the CO-OP they bought their insurance from goes under? It is bad enough people are left without insurance because of the failures of ObamaCare; but why should we have the IRS punish them on top of that?

□ 1600

Frankly, you don't solve problems by kicking people when they are down. Representative ADRIAN SMITH's bill would stop this. Government shouldn't be in the business of taxing people when they lose their insurance, especially when the CO-OP they used failed.

Nothing less than replacing ObamaCare will stop all of the havoc it is causing. In the meantime, we have an obligation to offer relief to the people hurt by this law.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mrs. BLACKBURN), my colleague from the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding and for his work on this issue.

I think we have to go back in history a little bit on this. ObamaCare was passed into law, signed into law, in 2010. A part of that law, by the way, we had to wait until it passed so we could read it and find out what all was in it established this CO-OP program. The way the law was written, it allowed CMS to go in and put in place the terms of the loans for the CO-OP program.

Now, our colleague from Washington said it was the fault of Congress. I want to remind you that we did not do the loan terms that have been so onerous. That was done through the rule-making process by CMS. The way they set this up put the CO-OPs at a disadvantage from the start. As a result of this, we are seeing these plan failures. This is a mandate that is crumbling under its own weight, the weight of the mandate, coupled with the way CMS has handled the terms of these loans.

Now, the Energy and Commerce Committee, where I serve as vice chair, had released a report earlier this month looking at the failures of these CO-OPs and the investigation that we have had on this. The report reviewed CMS' mismanagement of this program.

Closures of these CO-OPs have left consumers scrambling for health insurance. It gives them fewer options. It provides them with less affordable choices. So the Affordable Care Act becomes unaffordable for millions of Americans. Eight million of that 20 million had insurance from their employer. They were perfectly happy. All of a sudden they are thrown into a program, and now the insured goes out of business. Fewer choices.

Even in my State of Tennessee, our insurance commissioner, Julie McPeak, testified before the Energy and Commerce Committee about the burdens of CO-OPs and the failures that it has brought about on our State regulators and our communities.

When Tennessee's CO-OP, the Community Health Alliance Mutual Insurance Company, failed approximately 27,000 Tennesseans, they were all forced to find new plans. Only 6 of the original 23 CO-OPs remain. I will tell my colleagues that this is what you call a false hope. It did not work. It made the situation worse.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentlewoman has expired.

Mr. SMITH of Nebraska. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Mrs. BLACKBURN. A recent HHS-OIG report found that the remaining CO-OPs are becoming financially insolvent. They are looking as if they, too, are going to go the way of the others that have failed. Not only does the failure of CO-OPs waste tax dollars, it also leaves individuals in the lurch.

I am pleased that this legislation is coming before us. It implements our committee's recommendation by ensuring that individuals who make a good faith effort to comply with the individual mandate are not further punished as a result of a CO-OP's failure.

Mr. LEVIN. Mr. Speaker, I yield myself 1 minute.

As we have outlined—the administration has likewise—there are provisions when policies are interrupted, whether it is CO-OPs or otherwise, in the law for people to take advantage of, in the law that you want to destroy.

Let me just mention, in terms of Nebraska, there are 45,000 people in Nebraska who are not covered by Medicaid because of the failure of the government there to access. In Tennessee, there are 180,000 people—180,000. You talk about hopes. Those are people who had hopes, and the government essentially thumbed their nose at those hopes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of our committee.

Mr. BLUMENAUER. Mr. Speaker, I thank Mr. LEVIN. I appreciate his courtesy and I appreciate his focus on the challenges inherent with the legislation we have before us.

If people want to understand why we are having problems under the Affordable Care Act, this is a great example. Every single major piece of legislation, to my knowledge, landmark legislation, has required fine tuning and modification. That has generally been the spirit where people in both parties move forward to try and deal with occasional oversights, areas to improve mistakes, and opportunities to make it better.

What we have seen for 6 years under the Affordable Care Act is that there

has been an entirely different mind-set. It was to try and make it worse. It was to try and undercut it. I think my count is that this is the 65th time there has been an attempt to repeal all or part of the Affordable Care Act.

It is pretty stark what this has produced. We have—and it is unassailable—the lowest uninsured rate in America right now. In fact, some of the 19 States that have refused the expansion of Medicaid under the Affordable Care Act, even there has been a reduction because of the availability of subsidies to help make it affordable.

The insurance policies that people have are fundamentally better. You can no longer deny coverage for pre-existing conditions. I thought at the time that Members of Congress should have declared a conflict of interest because I think virtually all of us would have been subjected to problems getting insurance if they were denied on the basis of preexisting conditions.

What we have seen from the outset is that people refused during the legislative process itself to be able to have the give-and-take of a conference committee. Because Republicans refused to legislate, it had to be adopted under the reconciliation process. And then for 6 consecutive years, no refinement, no adjustment, just steadily chipping away.

Now, I have a couple of CO-OPs in my district. Those were an interesting addition to try and add some additional competition in a model that would not be for-profit insurance. They were given, under the existing legislation, access to a risk corridor to try and even out premiums because we knew it would be impossible with all of the moving pieces for people to be able to very precisely determine exactly what the rates should be. So there was some give, there was some adjustment, for the risk corridors to be able to have additional resources for people who hadn't quite gotten it right.

That was envisioned under the initial act. It was something that insurance companies in Oregon thought that Congress would keep its word. They planned accordingly. Unfortunately, the junior Senator, the gentleman from Florida (Mr. RUBIO), in the 2014 omnibus stripped out that language. It really didn't get the attention that it deserved at the time, and that was a big piece of legislation that was rumbling through, pressed for time, and not given the real authoritative give-and-take and attention that it deserved. But that took away money that those people had been promised, that they needed, and were depending on.

So we precipitated a crisis, like we have seen with other areas with attacking the Affordable Care Act. We see the 19 States that have refused Medicaid expansion under a relatively tortured interpretation of the Supreme Court. Nobody that I know of, when we were voting on the Affordable Care Act, thought that States would be able to voluntarily deny health care to peo-

ple who were too poor to qualify for the subsidies; but, amazingly, 19 States have done that. That is another area of instability that has posed problems with insurance markets. States that actually did expand have seen less of the upheaval.

It brings us to today where people are chipping away again in this effort with a piece of legislation that is absolutely unnecessary to repeal part of the individual mandate. The individual mandate, by the way, was put in the Affordable Care Act as part of an effort to forge a bipartisan solution. Bear in mind, the mandate that people purchase insurance was not a Democratic idea. It was something that was part of the Republican alternative to HillaryCare in the early 1990s. But it makes sense to have a mandate so that these burdens are shared broadly and everybody benefits.

Well, there is no reason to get rid of the individual mandate. These people who are in a failed CO-OP already have—because under current law, if you have a plan that closed midyear, you are already allowed a special enrollment period to choose new coverage. And if there are any individuals for whom coverage is unaffordable or they experience a hardship, they may qualify for an existing exemption from the individual responsibility provision. So this is already taken care of under existing law.

What it is doing is continuing this effort to chip away, to undermine, to repeal. I hope that we get past this notion that we are going to continue to make the primary Republican alternative for health care just trying to attack something that is working; and if they would cooperate, if they would refine, if they would try and solve problems rather than creating new ones, we could make it work even better.

Mr. Speaker, I am voting against this piece of—I don't know what to call it. It is not going to be enacted into law. It shouldn't be enacted into law. It represents an empty exercise of stalling and attacking instead of refining and improving. The American people deserve better.

Mr. SMITH of Nebraska. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

In closing, the case has been so carefully and fully laid out. This is another effort to cut and destroy. This is now maybe not the thousandth cut, but the 65th. Fortunately, none has succeeded, nor will this.

Republicans come here and indicate some care about individuals in terms of their health care. And I just say this personally—and all of us who care about health care have the same feelings—this country had a disgraceful situation: 50 million people going to sleep every night without any healthcare coverage.

□ 1615

Democrats took the initiative, and we now have the lowest percentage of

uninsured in terms of the records of this country. All we get are bills from the Republicans—one cut effort after another—and this is the latest. Maybe that is a good reason for us to leave here because, otherwise, we will see, I am sure, another one.

The ACA is very clear for people who lose their coverage during a coverage period. There is a special provision for them to obtain coverage elsewhere, and there is a hardship provision if that is not obtainable, if that is not available. We have been waiting to have specific examples. They never come.

As I said to the gentleman—and I say this respectfully—if he really cares about the citizens in his State and their health care, he will go back to his State and tell the leadership there that it is time to expand Medicaid for those people because, in the gentleman's State, there are tens of thousands of people who don't have that coverage today because of the inaction or the opposition of Republican majorities in States and in this Congress.

That is what this is all about. I urgently suggest for our fellow Democrats—and, I would hope, for a few enlightened Republicans—to vote “no.”

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

We need a healthcare plan that involves patients and their providers. We need a healthcare plan and healthcare coverage—insurance, if you will—that is a product that is purchased by millions of Americans on its own merit, not because of the heavy hand of the Federal Government's imposing fines and penalties even upon those Americans who are doing everything they were supposed to be doing so as to be responsible citizens in taking care of themselves.

What is clear from the debate today, Mr. Speaker, is that, in the face of the failures of the ACA or ObamaCare, whichever label you might wish to attach to it—and there are certainly many failures of the plan—the administration and my colleagues across the aisle continue to advocate for the individual mandate at all costs, no matter how negatively this might impact a law-abiding individual who seeks to do the right thing.

Mr. Speaker, during the markup of this bill in committee, a supporter on the committee referred to the law as a “work in progress.” I would say that that is a generous description of the law. If it is truly a work in progress, why would we penalize Americans—through no fault of their own for losing coverage—with fines that run hundreds, if not thousands, of dollars?

We are persistently told that our only desire is to take away health insurance coverage from Americans and that we have no constructive ideas for improving the healthcare system. This bill is one small way to improve the healthcare system.

It is interesting that this bill has been characterized as an effort to undermine the ACA. Is that how weak the ACA is in that a small, narrowly crafted bill like this would undermine the entire thing? I doubt it. This is a small effort to help innocent Americans who have lost coverage through no fault of their own. We should not penalize them and create a financial hardship additionally for them than they have already been experiencing.

I urge all of my colleagues to join me in providing this small issue of fairness.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, the news about the Affordable Care Act gets worse every day. Premiums are going through the roof, choice and access are falling through the floor, and insurers are fleeing exchanges throughout the country.

Just in the past few days, we learned that one of the nation's largest insurers is pulling out of Nebraska and three major cities in Tennessee.

On top of this, all but six of the 23 CO-OPs created under the law have failed despite billions of dollars in taxpayer-funded loans.

These CO-OPs were created by the Affordable Care Act as federally-backed, non-profit health insurance companies. But, like so many parts of the law, the CO-OP program was deeply flawed from the start.

Seventeen of these CO-OPs have collapsed. Hundreds of thousands of Americans have had their health coverage disrupted as a result.

Many more could suffer the same harm if additional CO-OPs fail—a real possibility considering that just two weeks ago New Jersey's CO-OP announced it will shut down at the end of the year.

The magnitude of these failures can be hard to grasp—especially for Washington bureaucrats who simply see these families as numbers on paper.

For American families who lost their insurance coverage due to a CO-OP collapse, the impacts could not be more real. And, for many, it could feel like the walls are closing in. Their health plans have been terminated through no fault of their own.

The number of options for purchasing a new plan is shrinking as more insurers leave the ACA exchanges.

And, if these Americans fail to purchase new coverage, they could be forced to pay the individual mandate tax penalty.

That's just wrong.

We have a responsibility to protect Americans and their families from these harmful impacts of the Affordable Care Act.

Congressman ADRIAN SMITH's “CO-OP Consumer Protection Act,” provides the opportunity to do so right now.

The bill takes action to exempt Americans from the individual mandate tax penalty if their plan was terminated mid-year due to the failure of an ACA CO-OP.

Americans were led to believe these CO-OP plans were reliable. They depended on them, and now only six remain standing.

House Republicans have put forward a consensus plan to repeal and replace Obamacare. Our plan will bring patient-focused care to the American people.

And, our plan will bring relief to all Americans from the individual mandate and its tax penalty.

As we work to turn this proposal into legislation, it's only right to bring relief from this tax penalty to Americans who lost their insurance mid-year—or could lose it in the future—due to the failures of the CO-OP program.

I want to thank Congressman SMITH for his leadership on this important legislation, and I urge all my colleagues to join me in supporting its passage.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 893, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 165, not voting 8, as follows:

[Roll No. 563]

AYES—258

Abraham	Davis, Rodney	Holding
Aderholt	Denham	Hudson
Allen	Dent	Huelskamp
Amash	DeSantis	Huizenga (MI)
Amodei	DesJarlais	Hultgren
Ashford	Diaz-Balart	Hunter
Babin	Dold	Hurd (TX)
Barletta	Donovan	Hurt (VA)
Barr	Duckworth	Issa
Barton	Duffy	Jenkins (KS)
Benishek	Duncan (SC)	Jenkins (WV)
Bera	Duncan (TN)	Johnson (OH)
Bilirakis	Ellmers (NC)	Johnson, Sam
Bishop (MI)	Emmer (MN)	Jolly
Bishop (UT)	Farenthold	Jones
Black	Fincher	Jordan
Blackburn	Fitzpatrick	Joyce
Blum	Fleischmann	Katko
Bost	Fleming	Kelly (MS)
Boustany	Flores	Kelly (PA)
Brady (TX)	Forbes	King (IA)
Brat	Fortenberry	King (NY)
Bridenstine	Fox	Kinzinger (IL)
Brooks (AL)	Franks (AZ)	Kline
Brooks (IN)	Frelinghuysen	Knight
Buchanan	Gabbard	Kuster
Buck	Garrett	Labrador
Bucshon	Gibbs	LaHood
Bustos	Gibson	LaMalfa
Byrne	Gohmert	Lamborn
Calvert	Goodlatte	Lance
Carter (GA)	Gosar	Larson (CT)
Carter (TX)	Gowdy	Latta
Chabot	Graham	Lipinski
Chaffetz	Granger	LoBiondo
Clawson (FL)	Graves (GA)	Long
Coffman	Graves (LA)	Loudermilk
Cole	Graves (MO)	Love
Collins (GA)	Griffith	Lucas
Collins (NY)	Grothman	Luetkemeyer
Comstock	Guinta	Lummis
Conaway	Guthrie	Lynch
Cook	Hanna	MacArthur
Cooper	Hardy	Maloney, Sean
Costello (PA)	Harper	Marchant
Cramer	Harris	Marino
Crawford	Hartzler	Massie
Crenshaw	Heck (NV)	McCarthy
Cuellar	Hensarling	McCauley
Culberson	Herrera Beutler	McClintock
Curbelo (FL)	Hice, Jody B.	McHenry
Davidson	Hill	McKinley

McMorris	Reichert	Stewart
Rodgers	Renacci	Stivers
McSally	Ribble	Stutzman
Meadows	Rice (SC)	Thompson (PA)
Meehan	Rigell	Thornberry
Messer	Roby	Tiberi
Mica	Roe (TN)	Tipton
Miller (FL)	Rogers (AL)	Trott
Miller (MI)	Rogers (KY)	Turner
Moolenaar	Rohrabacher	Upton
Mooney (WV)	Rokita	Valadao
Mullin	Rooney (FL)	Wagner
Mulvaney	Ros-Lehtinen	Walberg
Murphy (PA)	Roskam	Walden
Neugebauer	Ross	Walker
Newhouse	Rothfus	Walorski
Noem	Rouzer	Walters, Mimi
Nugent	Royce	Weber (TX)
Nunes	Russell	Webster (FL)
Olson	Salmon	Wenstrup
Palazzo	Sanford	Westerman
Palmer	Scalise	Williams
Paulsen	Schweikert	Wilson (SC)
Pearce	Scott, Austin	Wittman
Perry	Sensenbrenner	Womack
Peters	Sessions	Woodall
Peterson	Shimkus	Yoder
Pittenger	Shuster	Yoho
Pitts	Simpson	Young (AK)
Poliquin	Sinema	Young (IA)
Pompeo	Smith (MO)	Young (IN)
Posey	Smith (NE)	Zeldin
Price, Tom	Smith (NJ)	Zinke
Ratcliffe	Smith (TX)	
Reed	Stefanik	

NOES—165

Adams	Gallego	Norcross
Aguilar	Garamendi	O'Rourke
Bass	Grayson	Pallone
Beatty	Green, Al	Pascarell
Becerra	Green, Gene	Payne
Beyer	Grijalva	Pelosi
Bishop (GA)	Gutiérrez	Perlmutter
Blumenauer	Hahn	Pingree
Bonamici	Hastings	Pocan
Boyle, Brendan	Heck (WA)	Polis
F.	Higgins	Price (NC)
Brady (PA)	Himes	Quigley
Brown (FL)	Honda	Rangel
Brownley (CA)	Hoyer	Rice (NY)
Capps	Huffman	Richmond
Capuano	Israel	Roybal-Allard
Cárdenas	Jackson Lee	Ruiz
Carney	Jeffries	Ruppersberger
Carson (IN)	Johnson (GA)	Ryan (OH)
Cartwright	Johnson, E. B.	Sánchez, Linda
Castor (FL)	Kaptur	T.
Castro (TX)	Keating	Sarbanes
Chu, Judy	Kelly (IL)	Schakowsky
Cicilline	Kennedy	Schiff
Clark (MA)	Kildee	Schrader
Clarke (NY)	Kilmer	Scott (VA)
Clay	Kind	Scott, David
Cleaver	Langevin	Serrano
Clyburn	Larsen (WA)	Sewell (AL)
Cohen	Lawrence	Sherman
Connolly	Lee	Sires
Conyers	Levin	Slaughter
Costa	Lewis	Smith (WA)
Courtney	Lieu, Ted	Speier
Crowley	Loeb sack	Swalwell (CA)
Cummings	Lofgren	Takano
Davis (CA)	Lowenthal	Thompson (CA)
Davis, Danny	Lowey	Thompson (MS)
DeFazio	Lujan Grisham	Titus
DeGette	(NM)	Tonko
Delaney	Luján, Ben Ray	Torres
DeLauro	(NM)	Tsongas
DeBene	Maloney,	Van Hollen
DeSaulnier	Carolyn	Vargas
Deutch	Matsui	Veasey
Dingell	McCollum	Vela
Doggett	McDermott	Velázquez
Doyle, Michael	McGovern	Visclosky
F.	McNerney	Walz
Edwards	Meeke	Wasserman
Ellison	Meng	Schultz
Engel	Moore	Waters, Maxine
Eshoo	Moulton	Watson Coleman
Esty	Murphy (FL)	Welch
Farr	Nadler	Wilson (FL)
Foster	Napolitano	Yarmuth
Frankel (FL)	Neal	
Fudge	Nolan	

NOT VOTING—8

Burgess	Kirkpatrick	Sanchez, Loretta
Butterfield	Poe (TX)	Westmoreland
Hinojosa	Rush	

□ 1645

Messrs. CUELLAR, PETERS, and LYNCH changed their vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT OF 2016

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 5303.

The SPEAKER pro tempore (Mr. STUTZMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 892 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5303.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 1648

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 5303, the Water Resources Development Act of 2016. Subcommittee Chairman GIBBS and I worked closely with Ranking Members DEFAZIO and NAPOLITANO on this vital water infrastructure bill. Thanks to their hard work, the Committee on Transportation and Infrastructure unanimously approved H.R. 5303 in May.

We tailored WRDA 2016 to address specific Federal responsibilities, strengthening our infrastructure through the activities of the Army Corps of Engineers to maintain competitiveness, create jobs, and grow the

economy. This legislation follows important reforms Congress put in place in 2014 with the Water Resources Reform and Development Act. Without those reforms, we wouldn't be here today to consider another WRDA bill.

The 2014 bill and today's legislation restore regular order and the 2-year cycle of Congress considering these essential bills. This has been one of my highest priorities as chairman, and I am pleased today that in this Congress, as in last Congress, we have a WRDA bill on the floor. WRDA 2016 maintains Congress' constitutional authority and oversight in ensuring that we have a safe, effective infrastructure system.

Following our authorization process reforms, every Corps activity in this bill is locally driven; reviewed by the Corps according to strict, congressionally established criteria; and presented to Congress for consideration in the form of chief's reports and the Corps' new annual report. Only proposals that followed this process were eligible for inclusion in this bill.

If the manager's amendment is adopted, WRDA will authorize 31 chief's reports and 29 feasibility studies. Each chief's report was reviewed by the committee in a public hearing. These are critical regional priorities that provide significant national economic and environmental benefits.

For example, WRDA authorizes the long-delayed upgrades to the Upper Ohio River's Emsworth, Dashields, and Montgomery, the EDM, locks and dams. The EDM facilities provide critical access to the Port of Pittsburgh, one of the Nation's busiest inland ports. This will provide enormous benefits to the region and make our entire Nation more competitive.

The same can be said for authorizations for the Port of Charleston, Port Everglades, which has been under review by the Corps for 18 years—and it is finally going to be approved—and the Everglades ecosystem, flood control along the Missouri River and around Sacramento, and more.

The bill also increases flexibility and removes barriers for State, local, and non-Federal interests to invest in their infrastructure. Factoring in the manager's amendment, WRDA will authorize over \$9 billion to cover the Federal share of these improvements to our ports, channels, locks, dams, and other infrastructure. These investments are fully offset—I repeat they are fully offset—with deauthorizations, and the bill sunsets new authorizations to help prevent future project backlogs.

WRDA has no earmarks and abides by all House rules. However, in order to comply with House rules and call up this bill today, one section of the bill, as reported by the committee, was removed. I want to say that I agree with Ranking Member DEFAZIO that the user fees paid into the harbor maintenance trust fund should be used to improve our transportation system. It should be fundamental: When you pay a user fee into a system, it should go to its intended purposes.

However, we found ourselves in a position where section 108 conflicted with House rules. We worked to find another resolution to this one issue but were unable to do so within the rules of the House. I appreciate the ranking member's passion for this provision and thank him for his tireless efforts in support of infrastructure investment.

I want to continue working with him and others to find a solution as we work with the Senate. However, we cannot lose sight of the larger, more important issue. Don't let the perfect be the enemy of the good. This bill is not perfect, but it is a good bill.

Only three WRDA bills were enacted between 2000 and 2014, and that record is really unacceptable. Each delay placed America another step behind our competitors. We simply cannot afford more delays. We must pass this jobs and infrastructure bill and return to the regular 2-year WRDA cycle to keep the Army Corps focused on these much-needed investments. We cannot sacrifice these critical infrastructure improvements because of one issue.

We have a wide range of stakeholder interests in this bill, and 75 letters of support for WRDA 2016, including: National Association of Manufacturers, the U.S. Chamber of Commerce, National Retail Federation, National Conference of State Legislatures, and many other local and regional groups.

WRDA 2016 is good public policy. This bill advances critical water resources infrastructure improvements, restores regular order, and gets Congress back on that 2-year WRDA cycle. I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 22, 2016.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 5303, the Water Resources Development Act of 2016. This bill contains provisions under the jurisdiction of the Committee on Natural Resources.

I recognize and appreciate your desire to bring this bill before the House of Representatives in an expeditious manner, and accordingly, I will agree that the Committee on Natural Resources be discharged from further consideration of the bill. I do so with the understanding that this action does not affect the jurisdiction of the Committee on Natural Resources, and that the Committee expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask that you support any such request.

I also ask that a copy of this letter and your response be included in the Congressional Record during consideration of H.R. 5303 bill on the House floor.

Thank you for your work on this important issue, and I look forward to its enactment soon.

Sincerely,

ROB BISHOP,
Chairman,
Committee on Natural Resources.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2016.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN BISHOP: Thank you for your letter regarding H.R. 5303, the Water Resources Development Act of 2016. I appreciate your willingness to support expediting the consideration of this legislation on the House floor.

I acknowledge that by waiving consideration of this bill, the Committee on Natural Resources does not waive any future jurisdictional claim to provisions in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving any provision within this legislation on which the Committee on Natural Resources has a valid jurisdictional claim.

I will include our letters on H.R. 5303 in the bill report filed by the Committee on Transportation and Infrastructure, as well as in the Congressional Record during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Natural Resources as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

The committee does have a great tradition of bipartisanship. It is hard to get partisan about our crumbling infrastructure and the needs for enhanced investment, but one of the keys toward enhancing the investment and dealing with the \$68 billion—B, billion—backlog of authorized Corps projects—\$68 billion—is to use a tax which is collected from shippers and passed on to the American people. Every day you buy a good from a foreign country, you are paying a little bit more for that under an agreement that the money collected will be used to maintain our harbors, our ports, keep them from silting in, and construct critical infrastructure.

Unfortunately, for years Congress has been diverting part of that money every year. Today there is a theoretical balance of over \$9 billion in the nonexistent harbor maintenance trust fund. Look through the entire budget of the United States. You won't find that money anywhere on deposit. But they are saying: oh, don't worry, don't worry, we will get around to spending it some day.

I have been working on this issue for 20 years, starting with Bud Shuster in 1996. It was in the bill, and it passed out of committee unanimously with a number of Republicans and Democrats supporting it, obviously a majority of Republicans on the bill. The chairman and I had an agreement that would bring this bill forward under a suspension of the rules. His leadership objected to that. And then instead, they dictated there should be a rule so that they could strip out the harbor maintenance trust fund.

Now, what kind of rule is it that says we passed a law, we are collecting money from the American people, every day they are paying a little bit more for stuff, but the rules say we can't spend that money for its lawful purpose, we are going to spend it on some other part of government or disappear it into a lose-or-eat deficit reduction. We need that money. We need those investments.

If this continues—right now it is about \$400 million a year that is being collected that isn't being spent, yet we have harbors shoaled in, we have jet-ties that are failing all across America—it will grow up to \$20 billion in 10 years. Now tomorrow and tomorrow and tomorrow we are going to fix this problem. No, this was the time to fix it. It was in the bill. It was bipartisan. It was unanimous, and it was stripped out. That is very, very unfortunate.

There are many good things in this bill. There are many projects that are essential. But, again, the Corps of Engineers has a \$68 billion backlog. So all we are doing is putting people in an endless line—\$68 billion backlog. We are collecting about \$1.6 billion a year to make those projects a reality except that \$400-, \$500 million of it is being diverted over into other parts of the government. That is not a good way to run the government like a business.

I have a letter from the Chamber of Commerce of the United States of America concerned that this money is revenue from American business that is not being used for its intended purpose in a timely manner, and they will continue to advocate for this provision, among others. I am very, very saddened that this was removed from the bill. It is not in the Senate bill, so it becomes nonconferenceable, which means it will be at least 2 years. That is another \$800 million or \$1 billion that won't be spent, but taxes will still be collected from the American people.

Secondly, we have made a big deal around here about not having any earmarks. Big deal. Well, there are some ancient earmarks out there still lingering in the darkness. One was for a \$220 million project which was earmarked in 2004 by the Committee on Appropriations, and that would have required the Federal Government to spend \$110 million. This bill authorizes that project at a price of \$526.5 million to the U.S. taxpayers. It has gone from \$220 million earmarked, \$110 million to the Feds, to a total project cost of \$800 million.

Now, associated with that—and I am being told: don't worry, this isn't Federal money. Well, whenever you enter into a project, you have to have a local cost share. And they are saying: well, it will only be local money. Except it is included in the project, meaning the local entity isn't meeting its cost share for the authorized project which is in this bill. In fact, they are diverting money locally from their cost share into recreation projects.

Now, we have harbors silting in and jetties that are falling apart all across the country. We are diverting money from the trust fund, and yet somehow we are going to find \$500 million for this project up from a price tag of \$110 million when it was first earmarked. It isn't earmarked by any other name except that it is covered by the rule, and it is in this bill.

I regret that this bill does not meet the high standards of the committee and the historical standards of the committee.

Mr. Chairman, I reserve the balance of my time.

□ 1700

Mr. SHUSTER. Mr. Chair, I yield 2 minutes to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Chair, I thank the distinguished chairman from Pennsylvania for yielding me the time and for his continued leadership on restoring the normal biennial cycle for the Water Resource Development Act.

Today I rise in strong support of H.R. 5303, the Water Resources Development Act of 2016. By considering WRDA 2016 today, we are returning to regular order and restoring the 2-year cycle for improving water infrastructure projects critical to our economy.

Transportation and infrastructure is one of Congress' most important responsibilities. This bill authorizes the construction of key water infrastructure projects throughout the United States, creating jobs here at home and directly contributing to our economic and national security.

As chairman of the Subcommittee on Water Resources and Environment, our jurisdiction includes these water infrastructure projects carried out by the U.S. Army Corps of Engineers. H.R. 5303 contains vitally important Corps project authorizations for navigation, flood control, shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration and enhancement, and fish and wildlife management.

Each project authorization was proposed by local non-Federal sponsors and underwent a rigorous planning process before congressional review. Each Chief's Report was recommended to Congress by the Corps' Chief of Engineers. In short, this was a bottom-up, grassroots-driven process.

In WRRDA 2014, we accelerated the delivery schedule for Corps of Engineers projects. H.R. 5303 strengthens the numerous reforms made in WRRDA 2014 by streamlining permitting for infrastructure projects.

The committee-passed version of H.R. 5303 contains 27 specific project authorizations. My subcommittee held hearings to discuss the Chief's Reports in depth and provide strong congressional oversight of the proposed projects.

This bill further expedites nine feasibility studies to help locally developed needs and contains study authoriza-

tions for future potential Corps projects. More often than not, projects are delayed by study after study, and sometimes literally studied to death. Because of the reforms in WRRDA 2014, the 29 feasibility studies this bill is authorizing are not intended to exceed 3 years in duration or exceed \$3 million in Federal costs. We have reformed the process to save taxpayers time and money.

The CHAIR. The time of the gentleman has expired.

Mr. SHUSTER. Mr. Chair, I yield an additional 10 seconds to the gentleman from Ohio.

Mr. GIBBS. Mr. Chair, this bill is fiscally responsible. The new project authorizations are fully offset by de-authorizations of projects that are outdated or no longer viable. H.R. 5303 contains no earmarks, strengthens our water transportation networks, and increases transparency for non-Federal sponsors and the public. This is a good, commonsense bill, and I urge support of this bill.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), the ranking member of the subcommittee of jurisdiction.

Mrs. NAPOLITANO. Mr. Chair, I am very concerned that, after many months of bipartisan work on this bill, we are bringing it to the floor today under a partisan procedure where it stripped out in rules a very important section. Also, it does not address the ongoing crisis in Flint.

We have 100,000 people in Flint living without clean drinking water. One million people in California live without clean drinking water. We should be doing much more to address the drinking water crisis in this country—we should not have problems with it—and investing in our outdated infrastructure. I am glad that the Senate does include provisions to address this crisis. I had hoped that the House would do so as well.

I do appreciate the work that has been done to add many important provisions to the bill. First, this bill includes 31 Army Corps of Engineers' feasibility studies for projects to study water resource projects across the country for a diverse array of purposes, including flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, and navigation. This is really important, especially in drought-prone areas like California.

Second, H.R. 5303 authorizes 29 Chief's Reports currently pending before Congress. These reports include several of great importance to my home State of California, including the Los Angeles River Ecosystem Restoration and Recreation project, the West Sacramento flood risk management project, the American River Common Features flood risk management project, and the San Diego County hurricane and storm damage risk reduction project. This is critical because storms are eroding our beaches.

I am also pleased to see the inclusion of several provisions that will assist communities experiencing drought and water supply shortages. They include:

Promoting non-Federal efforts to remove sediment behind Army Corps' dams and increase water supply. This has been one project that we have been pushing for a long time in order to get the Corps to reduce that sediment.

Also, authorizing the Secretary of the Army to evaluate and implement water supply conservation measures of projects owned or managed by the Corps in states with drought emergencies. In 17 Western States, this is critical.

Further, encouraging the Corps to share the data the Corps collects on operations and maintenance of its facilities and to improve coordination with local stakeholders. My understanding is that they are going to get the Library of Congress to do that.

Also, allowing environmental infrastructure and water supply projects to be eligible for the 7001 process that authorizes Corps projects.

Lastly, creating a pilot program to encourage the beneficial use of dredged material for shoreline restoration and environmental use.

I am very confident these provisions, if enacted, will provide drought-ridden regions like mine with the tools necessary to increase water supply and water conservation matters and be better prepared for future storm events.

The CHAIR. The time of the gentleman has expired.

Mr. DEFAZIO. Mr. Chair, I yield an additional 15 seconds to the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chair, I want to thank my constituent water agencies for their input through the process, including the Upper San Gabriel Valley Municipal Water District, the Three Valleys Municipal Water District, the San Gabriel Valley Municipal Water District, the San Gabriel Valley Watermaster, the Los Angeles County Department of Public Works, and my local Corps people, Colonel Gibbs and David Van Dorpe.

I ask for a "no" vote since the Flint provision was not included in this bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN), the vice chairman of the full committee.

Mr. DUNCAN of Tennessee. Mr. Chair, I thank the chairman for yielding.

I, first of all, want to commend Chairman SHUSTER and Chairman GIBBS for their outstanding leadership on this legislation.

I rise in support of this jobs and infrastructure legislation. It will help create thousands of jobs and help improve our infrastructure.

I have the privilege of serving as the Republican chair of the Clean Water Caucus in this Congress and I had the privilege of serving for 6 years as chairman of the Water Resources and Environment Subcommittee, starting in

2001. So I know full well how important this bill is.

This bill provides the authorizations needed to improve water transportation all across this Nation. Every day, many tons of goods are transported across our waterways. Without basic water infrastructure in good shape, most of these goods would be transported on our already congested highways. According to the Inland Waterways Foundation, a 15-barge tow can transport the same amount of goods as 1,050 tractor-trailers. Moving goods on the water is also the most fuel-efficient and environmentally sound method of transportation.

This bill is, as others have said, a fiscally responsible one. It de-authorizes \$10 billion worth of inactive projects that are no longer needed or feasible, which offsets the new authorizations made in this legislation.

This bill also authorizes important flood control projects that we need to help prevent natural disasters. We saw what can happen when Katrina hit Louisiana and Mississippi a few years ago. That disaster caused an estimated \$150 billion in damage. Now we have new flooding in Louisiana and Texas. We need to make smart investments today so that we are not foolishly spending billions of dollars after a disaster strikes.

I also want to thank Chairman SHUSTER for including language on floating homes that was requested by Representative MEADOWS and myself. I want to especially commend Representative MEADOWS, who led the way on this issue. The TVA board had voted to remove privately owned homes, or floating houses, from its reservoirs. This would have been essentially a taking without any compensation being offered to the homeowners.

The language in this bill mirrors that included in the Senate-passed bill that would allow these homeowners to keep their houses as long as certain safety and health standards are met.

I urge passage of this very, very important legislation.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I have worked closely with the gentleman from Tennessee, and he does great work. In fact, he did great work in chairing a special committee of the House Committee on Transportation and Infrastructure on improving the Nation's freight transportation system.

One of the key recommendations in that report was: draw down the \$7 billion balance of the harbor maintenance trust fund without adversely affecting appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

Well, it is a little dated because this is 2 years ago. So now there is \$9.8 billion in the so-called harbor maintenance trust fund, which doesn't exist. There is no line item, no account at the Treasury. The money is poof, gone, unless we authorize the establishment

of a trust fund and begin to better invest in our harbors.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 5303, the Water Resource Development Act.

WRDA is usually a vehicle for bipartisan cooperation, but, unfortunately, that is not the case this year. This is the only time in my 23 years in Congress that I am unable to support WRDA.

In my area in Houston, we need WRDA. We need flood assistance. But my particular issue with this is that I represent a large part of the Port of Houston. As one of many Members that represents a major port, I know firsthand that ports are enormous economic engines for growth. The jobs and economic growth, including refining and manufacturing on the banks of the Houston Ship Channel, supported by the Port of Houston, has allowed Houston and Harris County to become the energy capital of the world.

But this is about more than just the Port of Houston. This is about all of America's ports, from LA-Long Beach to Miami and New Orleans. This is \$3 trillion in shipments in these ports.

The harbor maintenance tax is meant to fund critical projects to keep our ports running at full capacity. Yet, only a fraction of that money is appropriated each year, leaving billions of dollars sitting unused while maintenance costs climb in the Port of Houston and around the country.

Every day, ships are forced to idly wait for high tides or deeper channels because we do not put enough of this money to work for them. We need to ensure that we are investing for the future by investing in vital infrastructure projects.

I urge my colleagues to join me in opposing this legislation until the bipartisan harbor maintenance trust fund provision is included.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), the former chairman of the full committee.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, first, I would like to thank Mr. SHUSTER, Mr. GIBBS, and Mr. DEFAZIO for their work on this bill. This bill is a good bill.

I just say to all of you: We are getting close to the end of this session—and a lameduck, too. This isn't perfect for everyone. It is not perfect for me in some cases, but let's get a piece of legislation done without nitpicking it and saying: Well, I didn't get what I wanted.

I don't disagree with Mr. DEFAZIO about the funding. That is something we have to work on with the appropriators. They don't like the idea there is a set-aside fund for repairing the har-

bors, but let's address that battle at a later date.

This is a good piece of legislation. It will create a better system of infrastructure for water, harbors, ports, and drinking water, too. It is a legislative package that has been put together with a lot of hard work with staff.

As we get in this battle, Well, I don't want it, it is a Democrat bill, it is a Republican bill, we ought to think this is a House bill, a bill that can do the job. It will come out of this House, it will go over to the Senate, and we will have a conference. We have another chance to finish this project for the people of America.

So I am asking us not to get into this little bit of nitpicking and get good piece of legislation such as this done.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Chairman, I rise today in strong support of the Water Resources Development Act containing the Central Everglades Planning Project that is of critical importance to the ecological health of the State of Florida.

This project will increase freshwater flows from Lake Okeechobee through the Everglades and down into Florida Bay, providing critical relief to our water reservoirs and to a stressed ecosystem in Florida Bay.

□ 1715

The health of Florida Bay, Mr. Chairman, is a moral issue, and it is also vital to south Florida's multibillion-dollar tourism industry, making Everglades restoration an important local issue as well as a major national priority. Long-term restoration will be achieved primarily by constructing projects for conveyance, treatment, and storage of water and, ultimately, restoration of freshwater flow from north to south. CEPP contributes to all of these goals.

I want to thank Chairman SHUSTER for working with me to include \$1.9 billion for the Everglades Restoration program in the Water Resources Development Act being considered today. This comprehensive bill provides the U.S. Army Corps of Engineers with authority to carry out water projects through cost-sharing partnerships with non-Federal sponsors. I am proud that, through bipartisan efforts, we were able to include this much-needed funding for Everglades restoration, and I look forward to getting this bill signed into law.

Mr. DEFAZIO. Mr. Chairman, could I ask how much time remains on both sides.

The CHAIR. The gentleman from Oregon has 18½ minutes remaining. The gentleman from Pennsylvania has 19¼ minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I am waiting for more speakers, so I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), a member of the committee.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I rise in support of this bill. I am very proud to be here today because this bill represents a commitment our committee has made under the leadership of Chairman SHUSTER to pass critical water resources legislation every 2 years.

One of my top priorities as a member of this committee and the Water Resources and Environment Subcommittee is maintaining and improving our navigation infrastructure on the upper Mississippi and Illinois waterways. Most of the locks and dams on this system were built in the 1920s and 1930s and have far outlived their life expectancy.

Sixty percent of the grain exported from the United States goes through these locks and dams before hitting the global marketplace. But today, delays at navigation locks are frequent and are only getting worse, lasting as long as 12 hours at a time.

In WRDA 2007, Congress authorized construction of seven new 1,200-foot locks along the upper Mississippi and Illinois waterway system; yet here we are, 9 years later, and the Corps still hasn't completed preconstruction engineering and design for these projects because this administration refuses to invest any money in the Navigation and Ecosystem Sustainability Program, or NESP. That means that construction for these projects may not be ready to begin when they are next on the schedule.

When these projects are delayed, it costs farmers in my district money; it costs the shippers who move commodities up and down the rivers money; and it ultimately means increased grocery prices for everyone. It also costs good-paying construction jobs.

During our committee's markup of this legislation in May, I offered an amendment that requires a study analyzing alternative models of managing the inland waterway trust fund. I appreciate Chairman SHUSTER working with me to ensure its adoption.

This study, to be completed by the Comptroller General, will provide some important options to address these longstanding issues with the Corps. Maybe this will finally show the Corps that waiting 10 or even 20 years for movement on a project that is authorized by Congress is completely unacceptable.

Mr. Chairman, I am proud to support this underlying bill, and I want to thank Chairman SHUSTER and the committee for their leadership on this.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

The last few speakers have made a great point—how critical this bill is—and they have listed projects that are important to their districts and the Nation. The gentleman from Alaska said we shouldn't quibble over details.

Well, the bottom line is we have assessed a tax on all imported goods. That tax is collected every day. It is essentially a sales tax. It is added into the price of the goods that Americans buy. That tax comes in at about \$1.6 billion a year; and yet Congress sees fit to spend somewhere around \$1.1 billion a year, even though the Corps of Engineers has a \$64 billion backlog. So I guess, at some point, 100 years from now—well, no, because things will keep deteriorating. I guess we will never catch up.

So taking out the creation of the harbor maintenance trust fund, something I have been working on for 20 years—started with the previous chairman, Bud Shuster, and now BILL SHUSTER supports the concept—we keep hearing tomorrow and tomorrow and tomorrow. Tomorrow came. It came out of committee. But because some appropriators and the chair of the Budget Committee object to using the taxes collected from the American people for the only lawfully intended purpose and, instead, disappearing it into the maw of the Federal Government, it got stripped out of the bill—very, very unfortunate. That means these critical projects you are talking about are going to the back of a very, very, very long line. \$64 billion today, pass the bill, another \$10 billion, \$74 billion tomorrow; and we will chip away at it, and very, very slowly if we continue to divert the trust funds.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. ROUZER).

Mr. ROUZER. Mr. Chairman, we have an opportunity to do a great service for the country by passing H.R. 5303, the Water Resources Development Act of 2016, otherwise known as WRDA. By building off reforms made in the 2014 bill, WRDA 2016 reasserts congressional authority and oversight on critical infrastructure issues.

I commend Chairman SHUSTER for his commitment to passing a WRDA bill each Congress. It helps to ensure that America's water infrastructure needs are continually addressed and reaffirms the will of the people on these very important infrastructure matters.

Substantively, this legislation addresses the needs of America's harbors, locks, dams, coastlines, and other water resource infrastructure projects by authorizing U.S. Army Corps of Engineers activities. Passage of WRDA is vital to our Nation's economy and will help ensure continued flow of commerce through our Nation's ports and channels. Moreover, this bill also includes preventative measures that will help serve and protect our infrastructure.

Along with these obvious benefits, WRDA 2016 is also fiscally responsible and fully offset. In fact, failing to pass this critical piece of legislation will cost the Treasury that much more.

Mr. Chairman, the time to pass this bill is now, and I urge my colleagues to

support this very important legislation.

Mr. DEFAZIO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the fine ranking member, Mr. DEFAZIO, for yielding time, and I rise to discuss the important role of the Great Lakes-Saint Lawrence Seaway as our Nation's freshwater superhighway, a vital economic and security passageway for our Nation.

When the WRDA bill was considered by the Senate, an important reference was included in that bill recognizing the role of the Seaway in U.S.-Canadian maritime trade, as well as global commerce from the heartland. That language authorizes a GAO study of the Seaway's potential to expand economic activity envisioning increased exports, expanded tourism, and a modernized transportation network in a secure operational system.

As the bill moves forward, I would urge the House to incorporate, in any final measure, the directive provisions relating to the Saint Lawrence Seaway's unmet economic potential.

I thank my colleagues on the Great Lakes Task Force, particularly Co-chair MIKE KELLY, who was down here earlier, and DAVID JOYCE for their continued hard work and commitment to our region of the country. I thank Ranking Member DEFAZIO for his support of this effort. And I thank Chairman SHUSTER for his leadership.

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman and the other advocates for this provision, in addition to, of course, the Senate. The gentlewoman has worked tirelessly on this issue, approached me many, many times about the fact that we have sort of neglected the potential of the Seaway.

I think that this provision would be extraordinarily meritorious, and I certainly intend to support it in conference and hope to garner support from the chairman and others so that it can stay in the bill as it finally goes to the President's desk.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES), one of the hardest working members on the committee.

Mr. GRAVES of Louisiana. Mr. Chairman, I want to thank Chairman SHUSTER, Ranking Member DEFAZIO, and so many of the other Members who worked on this bill. I think it is important that we get the Water Resources Development Act back on a 2-year cycle. We got off to where there were 7 years that passed on, in many cases, critical projects that needed authorization that needed to move forward to construction.

I also want to echo a couple of things that the ranking member said.

Number one, on the harbor maintenance trust fund, I couldn't agree more. We need to come up with a solution here. I think it is disingenuous

that we are charging users the tax under the auspices of using it for dredging, yet diverting those resources. I will say it again. I think it is disingenuous, and I look forward to working together with Congressman DEFAZIO in addressing this.

Number two, my friend from Oregon also noted the backlog in Corps of Engineers projects. The reason we have a backlog in projects is because this project delivery mechanism, development and delivery mechanism used by the U.S. Army Corps of Engineers, you can look at it, project after project; it takes 40 years to get a project delivered. These are projects for flood protection, for ecological restoration, for hurricane protection. We don't have time to wait 40 years for this project, and this bill moves in a direction of streamlining that process.

We have a project, the West Shore project, that has been in the study phase for over 40 years and is finally moving to authorization.

My friend from Louisiana, Congressman BOUSTANY, was able to work to get the Southwest project included in here to finally begin to bring some protection to the Southwest communities that were so devastated by Hurricane Rita and Hurricane Ike in previous years.

Importantly, Mr. Chairman, we are bringing forward an amendment to further expedite the Comite project, Amite project, and other projects that are critical to the areas that were just flooded in south Louisiana.

I don't know how long we are going to continue this backwards policy in the Federal Government of spending billions after a disaster rather than spending millions before, making our communities and making our ecosystems more resilient.

Again, I want to thank the chairman and ranking member.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Back to the harbor maintenance trust fund issues and the allocations to the Corps, the bill sets targets, which I fully agree with, that a higher percentage of the harbor maintenance tax should be allocated every year to O&M programs.

As I mentioned earlier, there is already a \$2.5 billion backlog for operations and maintenance, so we are dealing with that by mandating that a higher percentage be spent every year. Unfortunately, if we don't free up the harbor maintenance trust fund, there is only one place that money can come from: new construction.

So I am all for the O&M, and I am all for these increases. But by stripping the harbor maintenance trust fund provision out of the bill and continuing to divert \$400 to \$500 million a year of the tax to the maw of the Federal Government, they are creating an untenable position for the Corps.

They are already saddled with a \$64 billion backlog on construction. They are saddled with a \$2.5 billion backlog

on operations and maintenance. We are telling them you have to spend more on operations and maintenance. Well, with the discretionary budget caps, that can come out of only one place, and that is the construction projects. Whether it is going to come out of Port Everglades or Charleston Harbor or Brazos Island Harbor, I don't know; but the Corps is going to have to make those decisions because they aren't going to be getting these additional funds that they would have gotten had we freed up this money and created a real trust fund.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, may I inquire as to how much time both sides have left in debate.

The CHAIR. The gentleman from Pennsylvania has 14 minutes remaining. The gentleman from Oregon has 13½ minutes remaining.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I rise today in strong support of the water infrastructure bill, and I thank Chairman SHUSTER for his hard work and dedication in getting us to this point.

As part of our Better Way agenda, House Republicans are putting transparency and accountability front and center, especially when it comes to how we spend the taxpayers' dollars.

Chairman SHUSTER approached this legislation the same way, increasing congressional oversight and transparency to ensure that our tax dollars are invested in the most pressing projects.

I also applaud Chairman SHUSTER's dedication for ensuring that the long-delayed Upper Ohio Navigation project gets underway.

In the 21st century, we should have a state-of-the-art infrastructure to build a thriving 21st century economy; yet the Emsworth, Dashields, and Montgomery locks and dams along the upper Ohio River are aging and in serious disrepair.

I often like to say that western Pennsylvania built this country. This would not have been possible without the infrastructure that turned our rivers into highways of commerce.

□ 1730

This allowed Pennsylvania steel, machinery, petroleum projects, and agricultural goods to travel to market efficiently and affordably along the Ohio River and beyond. Completing much-needed renovations to the upper Ohio locks and dams will allow us to continue to generate billions of dollars in economic activity benefiting generations of western Pennsylvania families, workers, and businesses in our region and across the country.

Mr. Chairman, I encourage my colleagues to support this bipartisan legislation. I again commend Chairman SHUSTER and thank him for his great work on this legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, let me thank the gentleman, the ranking member from the great State of Oregon, and the chairman, the gentleman from Pennsylvania.

I would hope that as we look at these issues we really look at the name of this bill, the Water Resources Development Act of 2016, and know that we have, over the years, had common ground on infrastructure issues that are so important to our respective communities.

Mr. Chairman, in April of 2016, we had the tax day flood. Shortly thereafter, we had a flood on Memorial Day in Houston, Harris County. It seems to me to be a constant refrain in our community and in my congressional district. We are a community of bayous and, frankly, need strong structures for the Army Corps of Engineers and a strong Federal partnership on dealing with massive flooding and the loss of life.

Water takes on many other aspects. Just a few miles up the road, Austin, Texas, and the surrounding areas are living in a constant drought. They face a constant interaction and conflict with those who are in the agriculture business.

It is concerning to me that programs in this bill have been deauthorized. It is concerning to me that a very important issue of pure water has been ignored, and that is funding for Flint. I should think this would be a bipartisan issue. Many of us went to Flint. We spoke to citizens in Flint. We listened to the Representatives from Flint, in particular, DAN KILDEE and others, Congresswoman LAWRENCE, and we listened to stories about sores and the ability to have children who have cognitive impact, and yet we come here today and that has not been done.

So I want to raise a concern to find a way in which this can be a bipartisan bill and not have projects that are deauthorized to make sure the harbor maintenance trust fund is where it needs to be.

The CHAIR. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Chairman, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the gentleman.

Mr. Chairman, we need to make sure that the harbor maintenance trust fund ensures that revenues are collected from shippers that are used to maintain U.S. coastal and Great Lakes harbors.

Right now, the State of Texas is dealing with their coastal area. This very bill could have a great impact, but it cannot do so if the moneys are undermined and the fees are used for something else. So I would suggest to my colleagues if there is one place that we can be bipartisan, it is on clean water, and it is on saving lives. I hope that we

can do that going down the road in this legislation. I thank the gentleman, Mr. DEFAZIO.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I rise today in support of the Water Resources Development Act of 2016. I want to thank Chairman SHUSTER for bringing this bill to the floor.

The bill will authorize critically important projects for my home State of Louisiana, including the Southwest Coastal Study.

Over this past weekend, we remembered the 11th anniversary of Hurricane Rita making landfall. This storm, and subsequently Hurricane Ike, demonstrated the dire need to implement greater measures to protect our coastal communities, many of which were destroyed back then.

Congressional authorization of the Southwest Coastal Study will open the door for necessary hurricane and storm damage risk reduction and coastal restoration projects for southwest Louisiana for the first time.

Authorization language for this project was included in the manager's amendment, and I want to thank Chairman SHUSTER for doing so.

Additionally, the bill includes vital funding for the Calcasieu Lock project, which is the 10th busiest lock in the Nation, a vital feature of the Gulf Intracoastal Waterway system. The lock facilitates navigation, controls flooding, and prevents saltwater intrusion from the Calcasieu River into the Mermentau River basin, a major agricultural area.

The bill also includes construction authorization for the West Shore Lake Pontchartrain project, which will provide critical storm surge protection for Louisiana's river parishes, something that has been in the works for over 40 years; and additionally, the Comite diversion project, which would have prevented a lot of the flooding we just saw in Louisiana.

These and other reasons are really why we should support this very important legislation, and I urge final passage.

To my friend from Oregon, I would say this: I have worked extremely hard since I got here to fix the problem with the harbor maintenance trust fund. We have made significant strides with last year's water bill and the cooperation of our friends on the appropriations committee to up the level of funding. But I agree that we should have included this language, and I am committed to working in a bipartisan fashion to ensure that we take those fees that are collected specifically for operations and maintenance dredging and use them for that, period.

We will have more work to do there, but I urge adoption of this bill, and I thank the chairman for his bringing it forward.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was mentioned earlier, and it will be mentioned again later, that there is no funding for Flint in this bill. Now, the simple answer would be, well, that is not jurisdictional, it is Energy and Commerce Committee. The Senate, by a near unanimous vote, put funding to help Flint and other cities which have serious health problems with their water systems with a partnership with the Federal Government like we used to do.

Historically, in these bills, the committee has included water infrastructure projects. But during the committee consideration, EDDIE BERNICE JOHNSON from Texas attempted to put in language that would help with Flint, and it was ruled to not be germane to the bill, although historically this is under section 219, Corps has authorization for projects such as this. DONNA EDWARDS from Maryland brought forward an amendment again on clean water.

The crisis in Flint is beyond belief. But there are many, many other systems around the country that are far from meeting Federal water quality standards, and many of these are communities that lack the resources themselves to deal with it. The Federal Government used to partner significantly on water and wastewater projects. The Federal Government has pretty much walked away from that responsibility.

There is an amendment right now, right up there, over there in the powerful Rules Committee. The Rules Committee is meeting. It is a committee that enforces the rules or waives the rules, whatever they are in the mood to do. They could allow an amendment to this bill. They could be debating it right now that would provide some assistance to Flint and other communities.

The gentleman from Michigan (Mr. KILDEE) has offered an amendment that is fully offset so it doesn't increase the budget deficit, and we will see how that comes out. But many on this side are reluctant to move forward.

Last week, I was pleased to hear Speaker RYAN say that Flint should be taken care of in the Water Resources Development bill. The majority leader has said the same thing. The question is: Will they do that in the bill coming out of the House so that we don't have to be wondering whether or not it is going to come out of a conference committee?

So that is yet to be seen. But I think a lot of votes on this side, in addition to the concerns I have raised earlier, are pending upon the resolution of whether or not funding for Flint is included in this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in strong support of H.R. 5303, the Water Resources Development Act. I

commend Chairman SHUSTER for his work as Transportation and Infrastructure chairman.

As a former mayor, I can personally attest to how vital investing in and maintaining our water infrastructure and flood control is. Over the past year, we have seen devastating floods throughout our country. It is more important than ever that we authorize critical flood control projects to protect our communities. Chairman SHUSTER's bill builds on the reforms established in the Water Resources bill 2 years ago.

I represent Fort Worth, Texas, a city that has had devastating floods in its past. Fort Worth needs help to bring our river area up to standards to prevent flooding and prepare for development. We are asking for funding authorization from the Corps of Engineers. The Corps has been working on this project along with the city and the water district for over 5 years.

In this project, the city will have the opportunity to add amenities for recreation paid for by the city, the water district, and private developers. By law, the Corps of Engineers cannot pay for amenities like basketball or soccer fields or water parks. Therefore, of course, they have never been asked to. It is against the law for them to pay for it. I repeat: it is against the law. The cooperation from the city, private developers, and the water district will pay for those.

I thank the chairman for his time, and I appreciate his work.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the advocacy of the gentlewoman. She has been incredibly persistent since she earmarked this project back in 2004 before the Republicans banned earmarks. Of course, then it was a \$220 million project. Now it is an \$810 million project. The Federal share has gone from \$110 million to over \$500 million, and included in the total cost are the basketball courts, the splash pool, and all that, but it is coming out of the local share. No, that is not the way this is supposed to work.

If this is a Corps project, the only things which the Corps is authorized to do would be in the calculated total cost, and then a percentage of that goes to the local jurisdiction. In this case, they are counting the contributions of the local developers as part of the local cost share. So, essentially, it is coming out of the taxpayers' pockets.

I include in the RECORD a letter from the Taxpayers for Common Sense and the National Taxpayers Union.

SEPTEMBER 27, 2016.

DEAR REPRESENTATIVE: While less expensive and problematic than the Senate version of the Water Resources Development Act (S. 2848), we urge you to oppose H.R. 5303, the "Water Resources Development Act of 2016." Instead of much needed reform, this legislation piles billions of dollars in additional water projects on the U.S. Army Corps of Engineers' plate. The legislation also makes

policy changes that will be costly to taxpayers.

The largest challenge facing the Corps of Engineers water resources program is the lack of a prioritization system for allocating the limited available tax dollars. The legislation directs the executive branch to better explain its budgeting decisions, but this should not serve as an abdication of congressional authority. Congress should develop the criteria and metrics to prioritize Corps projects in the three primary mission areas (navigation, flood/storm damage reduction, and environmental restoration). The executive branch should be required to allocate funds in the budget request in a transparent manner through merit, competitive, or formula systems developed by Congress. Lawmakers could then conduct oversight, hold the administration accountable, and adjust the systems, criteria, and metrics as needed.

H.R. 5303 fails to include such a prioritization system. It does many other things, however. Between committee consideration and the floor, the bill grew by over \$6 billion. A provision from the Water Resources Reform and Development Act of 2014 dedicating maintenance dredging funds to emerging ports is made permanent. It doesn't make sense to invest in a port that is continually "emerging." It also extends set-asides for "donor" and "energy" ports without reforming the massive cross-subsidies in the existing maintenance dredging program. The legislation authorizes funding for a project in Fort Worth, Texas, costing more than \$800 million. The Upper Trinity River project is portrayed as a flood damage reduction effort, but is really a massive economic development initiative that would divert precious Corps resources to construct soccer and baseball fields, basketball courts, and even a splash park. Money spent on a splash park in Fort Worth is money that cannot be spent to further the Corps' core mission areas. At the least we urge you to remove or limit the funds for this project.

Again, we urge you to oppose H.R. 5303 the "Water Resources Development Act of 2016."

Sincerely,

RYAN ALEXANDER,
*Taxpayers for Common
Sense.*

PETE SEPP,
*National Taxpayers
Union.*

Mr. DEFAZIO. Mr. Chairman, I will just read briefly: "The legislation authorizes funding for a project in Fort Worth, Texas, costing more than \$800 million. The Upper Trinity River project is portrayed as a flood damage reduction effort, but is really a massive economic development initiative that would divert precious Corps resources to construct soccer and baseball fields, basketball courts, and even a splash park. Money spent on a splash park in Fort Worth is money that cannot be spent to further the Corps' core mission areas. At the least, we urge you to remove or limit the funds for this project."

That is from Taxpayers for Common Sense and the National Taxpayers Union.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Chairman, I rise today in strong support of the Water Resources Development Act of 2016.

I thank Chairman SHUSTER for his championing this legislation and for including authorization language for the Rahway River Basin Flood Risk Management Feasibility Study in the bill.

The Rahway River Basin Flood Risk Management Feasibility Study will create a lasting solution to protect the New Jersey municipalities that include Cranford, Kenilworth, Maplewood, Millburn, Rahway, Springfield, Union, and the surrounding areas from severe flooding.

For years, these municipalities have pursued this project based on its great merits, and I have tried to be their champion at the Federal level. This is a critical role for Federal representatives: effectively helping municipal, county, and State officials to work with the Federal Government to ensure efficient services to the areas we represent.

Throughout this entire process, local leaders have kept the focus on consensus and collaboration, and they have united around a solution that has strong public support. They deserve the completion of the study and the implementation of a plan that will protect life and property. I thank the Mayors' Council and local leaders for continuing to advocate on behalf of their communities. I certainly reiterate my thanks to Chairman SHUSTER.

Mr. Chairman, I urge support of the Water Resources Development Act of 2016.

Mr. DEFAZIO. Mr. Chairman, I have no further speakers, and I am prepared to close.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, first, I want to applaud Chairman SHUSTER and the members of the Transportation and Infrastructure Committee for bringing the Water Resources Development Act of 2016 to the floor.

WRDA is a crucial piece of legislation which authorizes our Nation's locks, dams, harbors, and many other water resources vital to our Nation's economic competitiveness.

However, today, I rise to speak of an issue that is very close to home. The Army Corps of Engineers' New Savannah Bluff Lock and Dam is only 13 miles south of my hometown of Augusta, Georgia, and is essential to the towns of Augusta and North Augusta, South Carolina.

Authorization for the lock and dam has been changed numerous times over the past few decades, and the Senate version of WRDA includes broad language for additional needed changes. I understand the complexities of changing authorizations or even deauthorizing projects on a river as vital as the Savannah River.

□ 1745

Mr. Chairman, I look forward to the opportunity to work with Chairman

SHUSTER and the Transportation and Infrastructure Committee on language to correct this process, working with the Senate to better serve our community and our country.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

First off, the provision to create a harbor maintenance trust fund to begin to actually spend the tax, which we collect from the American people for harbor maintenance, on harbor maintenance—it is shocking, shocking, in Washington that we would do something like that.

There are those on the Appropriations Committee guarding their fiefdoms, or the Budget Committee, who are opposed to this; but I heard a number of my colleagues on the Republican side say tonight they supported that concept. It came out of committee unanimously with Republican support; yet the Republican leadership reached into this bill and pulled out that provision because, I believe, they were afraid if that provision came to the floor for a vote that it would pass, that we would actually begin to spend the tax that we are collecting from the American people for harbor maintenance on harbor maintenance and begin to catch up with the backlog by spending another \$400 million or \$500 million a year, which today is being spent on God knows what. It is being just thrown into the air.

Someone said earlier, oh, that money hasn't been spent. Okay. Show me what account that \$9.8 billion is in. There is no account. There is no account. The money has been collected and it has disappeared.

Now, we can keep that up, and we are going to keep it up now for another 2 years. That will be another billion dollars that won't be spent on harbor maintenance. So everybody waiting in line to get dredged—and there are a lot of ports waiting in line to get dredged. Everybody waiting in that really long line of now \$74 billion of backlogged authorized projects is just going to have to wait a little longer. In fact, most of them will be dead before they get around to their project.

So it is really a very sad day for the House of Representatives when the House is not being allowed to work its will. We are not being allowed to vote on something because a couple of chairmen of a couple of committees that don't know much about this subject—they aren't the authorizers; they don't understand the details; apparently, they don't understand the massive need in backlog—don't want to spend the tax that is collected for the purpose for which it is collected, which is harbor maintenance and/or construction. It is a very sad day for the House of Representatives.

I urge my colleagues to vote in opposition to the legislation.

I yield back the balance of my time. Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today on the floor with the WRDA bill. We are

back in regular order. This bill reasserts congressional authority, making sure that Congress has its say on these matters. This bill addresses specific Federal responsibilities that strengthen our infrastructure and it is fiscally responsible.

If we pass the manager's amendment, there are 31 Chief's Reports and 29 feasibility studies which touch all corners of the United States. I know Members on both sides of the aisle have projects in there that are extremely important to their district, to their State, and, of course, to the Nation.

It certainly was my goal for this to come to the floor in a bipartisan manner just the way it came out of committee. Unfortunately, it did violate a House rule, and we had to strip a part of that bill out.

But I just want to say again, as I opened, I agree with Mr. DEFAZIO—and you heard, as he just pointed out, there are many Members on our side of the aisle that agree—we have got to figure out a way to move this forward so that Congress continues to have a say, and that those dollars that people pay to use the ports, they pay that fee, and when it goes into that trust fund, it is spent on its intended purpose. It is just wrong—it is absolutely wrong—that we don't do that.

We are going to pass this bill on the floor here tomorrow. I will continue to work with the ranking member to find a solution, because it is my goal to be here next Congress and to have another WRDA bill on the floor and address this problem and continue to pass good legislation that strengthens our infrastructure and strengthens America's competitiveness in the world.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-65. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Water Resources Development Act of 2016".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I—GENERAL PROVISIONS

Sec. 101. Sense of Congress regarding Water Resources Development Acts.

Sec. 102. Training and employment for veterans and members of Armed Forces in curation and historic preservation.

Sec. 103. Youth service and conservation corps organizations.

Sec. 104. Navigation safety.

Sec. 105. Emerging harbors.

Sec. 106. Federal breakwaters and jetties.

Sec. 107. Donor ports and energy transfer ports.

Sec. 108. Remote and subsistence harbors.

Sec. 109. Beneficial use of dredged material.

Sec. 110. Reservoir sediment.

Sec. 111. Contributed funds for reservoir operations.

Sec. 112. Water supply conservation.

Sec. 113. Interstate compacts.

Sec. 114. Nonstructural alternatives.

Sec. 115. Operation and maintenance of environmental protection and restoration and aquatic ecosystem restoration projects.

Sec. 116. Estuary restoration.

Sec. 117. Great Lakes fishery and ecosystem restoration.

Sec. 118. Agreements.

Sec. 119. Corps of Engineers operation of unmanned aircraft systems.

Sec. 120. Federal dredge fleet.

Sec. 121. Corps of Engineers assets.

Sec. 122. Funding to process permits.

Sec. 123. Credit in lieu of reimbursement.

Sec. 124. Clarification of contributions during emergency events.

Sec. 125. Study of water resources development projects by non-Federal interests.

Sec. 126. Non-Federal construction of authorized flood damage reduction projects.

Sec. 127. Multistate activities.

Sec. 128. Regional participation assurance for levee safety activities.

Sec. 129. Participation of non-Federal interests.

Sec. 130. Indian tribes.

Sec. 131. Dissemination of information on the annual report process.

Sec. 132. Scope of projects.

Sec. 133. Preliminary feasibility study activities.

Sec. 134. Post-authorization change reports.

Sec. 135. Maintenance dredging data.

Sec. 136. Electronic submission and tracking of permit applications.

Sec. 137. Data transparency.

Sec. 138. Backlog prevention.

Sec. 139. Quality control.

Sec. 140. Budget development and prioritization.

Sec. 141. Use of natural and nature-based features.

Sec. 142. Annual report on purchase of foreign manufactured articles.

Sec. 143. Integrated water resources planning.

Sec. 144. Evaluation of project partnership agreements.

Sec. 145. Additional measures at donor ports and energy transfer ports.

Sec. 146. Arctic deep draft port development partnerships.

Sec. 147. International outreach program.

Sec. 148. Comprehensive study.

Sec. 149. Alternative models for managing Inland Waterways Trust Fund.

Sec. 150. Alternative projects to maintenance dredging.

Sec. 151. Fish hatcheries.

Sec. 152. Environmental banks.

TITLE II—STUDIES

Sec. 201. Authorization of proposed feasibility studies.

Sec. 202. Expedited completion of reports for certain projects.

TITLE III—DEAUTHORIZATIONS AND RELATED PROVISIONS

Sec. 301. Deauthorization of inactive projects.

Sec. 302. Valdez, Alaska.

Sec. 303. Los Angeles County Drainage Area, Los Angeles County, California.

Sec. 304. Sutter Basin, California.

Sec. 305. Essex River, Massachusetts.

Sec. 306. Port of Cascade Locks, Oregon.

Sec. 307. Central Delaware River, Philadelphia, Pennsylvania.

Sec. 308. Huntingdon County, Pennsylvania.

Sec. 309. Rivercenter, Philadelphia, Pennsylvania.

Sec. 310. Joe Pool Lake, Texas.

Sec. 311. Salt Creek, Graham, Texas.

Sec. 312. Texas City Ship Channel, Texas City, Texas.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

Sec. 401. Project authorizations.

SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—GENERAL PROVISIONS

SEC. 101. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT ACTS.

(a) **FINDINGS.**—Congress finds the following:

(1) The Corps of Engineers constructs projects for the purposes of navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration, and enhancement, and fish and wildlife mitigation.

(2) The Corps of Engineers is the primary Federal provider of outdoor recreation in the United States.

(3) The Corps of Engineers owns and operates more than 600 dams.

(4) The Corps of Engineers operates and maintains 12,000 miles of commercial inland navigation channels.

(5) The Corps of Engineers manages the dredging of more than 200,000,000 cubic yards of construction and maintenance dredge material annually.

(6) The Corps of Engineers maintains 926 coastal, Great Lakes, and inland harbors.

(7) The Corps of Engineers restores, creates, enhances, or preserves tens of thousands of acres of wetlands annually under the Corps' Regulatory Program.

(8) The Corps of Engineers provides a total water supply storage capacity of 329,200,000 acre-feet in major Corps lakes.

(9) The Corps of Engineers owns and operates 24 percent of United States hydropower capacity or 3 percent of the total electric capacity of the United States.

(10) The Corps of Engineers supports Army and Air Force installations.

(11) The Corps of Engineers provides technical and construction support to more than 100 countries.

(12) The Corps of Engineers manages an Army military construction program that carried out approximately \$44,600,000,000 in construction projects (the largest construction effort since World War II) between 2006 and 2013.

(13) The Corps of Engineers researches and develops technologies to protect the environment and enhance quality of life in the United States.

(14) The legislation for authorizing Corps of Engineers projects is the Water Resources Development Act and, between 1986 and 2000, Congress typically enacted an authorization bill every 2 years.

(15) Since 2000, only 3 Water Resources Development Acts have been enacted.

(16) In 2014, the Water Resources Reform and Development Act of 2014 was enacted, which accelerated the infrastructure project delivery process, fostered fiscal responsibility, and strengthened water transportation networks to promote the competitiveness, prosperity, and economic growth of the United States.

(17) Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) requires typical Corps of Engineers project feasibility studies to be completed in 3 years.

(18) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C.

2282d) requires the Corps of Engineers to submit annually a Report to Congress on Future Water Resources Development, which ensures projects and activities proposed at the local, regional, and State levels are considered for authorization.

(19) Passing Water Resources Development Acts on a routine basis enables Congress to exercise oversight, ensures the Corps of Engineers maintains an appropriately sized portfolio, prevents project backlog, and keeps United States infrastructure competitive.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the missions and authorities of the Corps of Engineers are a unique function that benefits all Americans;

(2) water resources development projects are critical to maintaining economic prosperity, national security, and environmental protection;

(3) Congress has required timely delivery of project and study authorization proposals from non-Federal project sponsors and the Corps of Engineers; and

(4) Congress should consider a Water Resources Development Act at least once every Congress.

SEC. 102. TRAINING AND EMPLOYMENT FOR VETERANS AND MEMBERS OF ARMED FORCES IN CURATION AND HISTORIC PRESERVATION.

Using available funds, the Secretary, acting through the Chief of Engineers, shall carry out a Veterans' Curation Program to train and hire veterans and members of the Armed Forces to assist the Secretary in carrying out curation and historic preservation activities.

SEC. 103. YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.

Section 213 of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.—The Secretary shall, to the maximum extent practicable, enter into cooperative agreements with qualified youth service and conservation corps organizations for services relating to projects under the jurisdiction of the Secretary and shall do so in a manner that ensures the maximum participation and opportunities for such organizations.”.

SEC. 104. NAVIGATION SAFETY.

The Secretary shall use section 5 of the Act of March 4, 1915 (38 Stat. 1053, chapter 142; 33 U.S.C. 562), to carry out navigation safety activities at those projects eligible for operation and maintenance under section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)).

SEC. 105. EMERGING HARBORS.

Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in subsection (c)(3) by striking “for each of fiscal years 2015 through 2022” and inserting “for each fiscal year”; and

(2) in subsection (d)(1)(A)—

(A) in the matter preceding clause (i) by striking “For each of fiscal years 2015 through 2024” and inserting “For each fiscal year”;

(B) in clause (i) by striking “90” and inserting “Not more than 90”; and

(C) in clause (ii) by striking “10” and inserting “At least 10”.

SEC. 106. FEDERAL BREAKWATERS AND JETTIES.

(a) IN GENERAL.—The Secretary shall, at Federal expense, establish an inventory and conduct an assessment of the general structural condition of all Federal breakwaters and jetties protecting harbors and inland harbors within the United States.

(b) CONTENTS.—The inventory and assessment carried out under subsection (a) shall include—

(1) compiling location information for all Federal breakwaters and jetties protecting harbors and inland harbors within the United States;

(2) determining the general structural condition of each breakwater and jetty;

(3) analyzing the potential risks to navigational safety, and the impact on the periodic maintenance dredging needs of protected harbors and inland harbors, resulting from the general structural condition of each breakwater and jetty; and

(4) estimating the costs, for each breakwater and jetty, to restore or maintain the breakwater or jetty to authorized levels and the total of all such costs.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the inventory and assessment carried out under subsection (a).

SEC. 107. DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106(a)(2)(B) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c(a)(2)(B)) is amended by striking “\$15,000,000” and inserting “\$5,000,000”.

SEC. 108. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3) by inserting “in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project,” after “community”; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting “and communities that are located in the region to be served by the project and that will rely on the project” after “community”;

(B) in paragraph (4) by striking “local population” and inserting “regional population to be served by the project”; and

(C) in paragraph (5) by striking “community” and inserting “local community and communities that are located in the region to be served by the project and that will rely on the project”.

SEC. 109. BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation; and

(6) supporting risk management adaptation strategies.

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out 10 projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of—

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) REGIONAL BENEFICIAL USE TEAMS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.

(2) COMPOSITION.—

(A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.

(d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) COST SHARING.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the 10 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term “Federal standard” in section 335.7 of title 33, Code of Federal Regulations.

(i) CLARIFICATION.—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking “3” and inserting “6”.

SEC. 110. RESERVOIR SEDIMENT.

(a) IN GENERAL.—Section 215 of the Water Resources Development Act of 2000 (33 U.S.C. 2326c) is amended to read as follows:

“SEC. 215. RESERVOIR SEDIMENT.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016 and after providing public notice, the Secretary shall establish, using available funds, a pilot program to accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

“(b) REQUIREMENTS.—In carrying out this section, the Secretary shall—

“(1) review the services of the non-Federal interest or commercial entity to ensure that the services are consistent with the authorized purposes of the project concerned;

“(2) ensure that the non-Federal interest or commercial entity will indemnify the United

States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services;

“(3) require the non-Federal interest or commercial entity, prior to initiating the services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality; and

“(4) limit the number of dams for which services are accepted to 10.

“(c) LIMITATION.—

“(1) IN GENERAL.—The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.

“(2) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1), the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice describing the reasoning for the determination.

“(d) DISPOSITION OF REMOVED SEDIMENT.—In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

“(e) CONGRESSIONAL NOTIFICATION.—Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

“(f) REPORT TO CONGRESS.—Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2000 is amended by striking the item relating to section 215 and inserting the following:

“Sec. 215. Reservoir sediment.”.

SEC. 111. CONTRIBUTED FUNDS FOR RESERVOIR OPERATIONS.

Section 5 of the Act of June 22, 1936 (49 Stat. 1572, chapter 688; 33 U.S.C. 701h), is amended by inserting after “authorized purposes of the project:” the following: “Provided further, That the Secretary is authorized to receive and expend funds from a State or a political subdivision thereof, and other non-Federal interests, to formulate, review, or revise operational documents for any reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709):”.

SEC. 112. WATER SUPPLY CONSERVATION.

(a) IN GENERAL.—In a State in which a drought emergency has been declared or was in effect during the 1-year period ending on the date of enactment of this Act, the Secretary is authorized—

(1) to conduct an evaluation for purposes of approving water supply conservation measures that are consistent with the authorized purposes of water resources development projects under the jurisdiction of the Secretary; and

(2) to enter into written agreements pursuant to section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with non-Federal interests to carry out the conservation measures approved by such evaluations.

(b) ELIGIBILITY.—Water supply conservation measures evaluated under subsection (a) may include the following:

(1) Storm water capture.

(2) Releases for ground water replenishment or aquifer storage and recovery.

(3) Releases to augment water supply at another Federal or non-Federal storage facility.

(4) Other conservation measures that enhance usage of a Corps of Engineers project for water supply.

(c) COSTS.—A non-Federal interest shall pay only the separable costs associated with the evaluation, implementation, operation, and maintenance of an approved water supply conservation measure, which payments may be accepted and expended by the Corps of Engineers to cover such costs.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to modify or alter the obligations of a non-Federal interest under existing or future agreements for—

(1) water supply storage pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); or

(2) surplus water use pursuant to section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708).

(e) LIMITATIONS.—Nothing in this section—

(1) affects, modifies, or changes the authorized purposes of a Corps of Engineers project;

(2) affects existing Corps of Engineers authorities, including its authorities with respect to navigation, flood damage reduction, and environmental protection and restoration;

(3) affects the Corps of Engineers ability to provide for temporary deviations;

(4) affects the application of a cost-share requirement under section 101, 102, or 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2212, and 2213);

(5) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(6) supersedes or modifies any amendment to an existing multistate water control plan, including those water control plans along the Missouri River and those water control plans in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa basins;

(7) affects any water right in existence on the date of enactment of this Act; or

(8) preempts or affects any State water law or interstate compact governing water.

SEC. 113. INTERSTATE COMPACTS.

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (f).

SEC. 114. NONSTRUCTURAL ALTERNATIVES.

Section 5(a)(1) of the Act of August 18, 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)(1)), is amended by striking “if requested” each place it appears and inserting “after consultation with the non-Federal sponsor and if requested and agreed to”.

SEC. 115. OPERATION AND MAINTENANCE OF ENVIRONMENTAL PROTECTION AND RESTORATION AND AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) NON-FEDERAL OBLIGATIONS.—Notwithstanding section 103(j) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)), a non-Federal interest is released from any obligation to operate and maintain the nonstructural and nonmechanical components of a water resources development project carried out for the purposes of environmental protection and restoration or aquatic ecosystem restoration, including a project carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) or section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), if the Secretary determines that—

(1) the 50-year period that began on the date on which project construction was completed has concluded; or

(2) the criteria identified in the guidance issued under subsection (c) have been met with respect to the project.

(b) FEDERAL OBLIGATIONS.—The Secretary is not responsible for the operation or maintenance of any components of a project with respect to which a non-Federal interest is released from obligations under subsection (a).

(c) GUIDANCE.—In consultation with non-Federal interests, and not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance that identifies criteria for determining, using the best available science, when the purpose of a project for environmental protection and restoration or aquatic ecosystem restoration has been achieved, including criteria for determining when a project has resulted in the return of the project location to a condition where natural hydrologic and ecological functions are the predominant factors in the condition, functionality, and durability of the location.

SEC. 116. ESTUARY RESTORATION.

(a) PARTICIPATION OF NON-FEDERAL INTERESTS.—Section 104(f) of the Estuary Restoration Act of 2000 (33 U.S.C. 2903(f)) is amended by adding at the end the following:

“(3) PROJECT AGREEMENTS.—For a project carried out under this title, the requirements of section 103(j)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)(1)) may be fulfilled by a nongovernmental organization serving as the non-Federal interest for the project pursuant to paragraph (2).”.

(b) EXTENSION.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended by striking “2012” each place it appears and inserting “2021”.

SEC. 117. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(g) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(g)) is repealed.

SEC. 118. AGREEMENTS.

Section 2036(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2317b) is repealed.

SEC. 119. CORPS OF ENGINEERS OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—The Secretary shall designate an individual, within the headquarters office of the Corps of Engineers, who shall serve as the coordinator and principal approving official for developing the process and procedures by which the Corps of Engineers—

(1) operates and maintains small unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) systems in support of civil works and emergency response missions of the Corps of Engineers; and

(2) acquires, applies for, and receives any necessary Federal Aviation Administration authorizations for such operations and systems.

(b) REQUIREMENTS.—A small unmanned aircraft system acquired, operated, or maintained for carrying out the missions specified in subsection (a) shall be operated in accordance with regulations of the Federal Aviation Administration as a civil aircraft or public aircraft, at the discretion of the Secretary, and shall be exempt from regulations of the Department of Defense, including the Department of the Army, governing such system.

(c) LIMITATION.—A small unmanned aircraft system acquired, operated, or maintained by the Corps of Engineers is excluded from use by the Department of Defense, including the Department of the Army, for any mission of the Department of Defense other than a mission specified in subsection (a).

SEC. 120. FEDERAL DREDGE FLEET.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the costs and benefits of expanding, reducing, or maintaining the current configuration with respect to the size and makeup of the federally owned hopper dredge fleet.

(b) **FACTORS.**—In carrying out the study, the Comptroller General shall evaluate—

(1) the current and anticipated configuration and capacity of the Federal and private hopper dredge fleet;

(2) the current and anticipated trends for the volume and type of dredge work required over the next 10 years, and the alignment of the size of the existing Federal and private hopper dredge fleet with future dredging needs;

(3) available historic data on the costs, efficiency, and time required to initiate and complete dredging work carried out by Federal and private hopper dredge fleets, respectively;

(4) whether the requirements of section 3 of the Act of August 11, 1888 (25 Stat. 423, chapter 860; 33 U.S.C. 622), have any demonstrable impacts on the factors identified in paragraphs (1) through (3), and whether such requirements are most economical and advantageous to the United States; and

(5) other factors that the Comptroller General determines are necessary to evaluate whether it is economical and advantageous to the United States to expand, reduce, or maintain the current configuration of the federally owned hopper dredge fleet.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 121. CORPS OF ENGINEERS ASSETS.

Section 6002 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349) is amended—

(1) in subsection (a) by striking “the date of enactment of this Act” and inserting “the date of enactment of the Water Resources Development Act of 2016”; and

(2) in subsection (b) by adding at the end the following:

“(6) The extent to which the property has economic, cultural, historic, or recreational significance, or impacts at the national, State, or local level.”.

SEC. 122. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1) by adding at the end the following:

“(C) **RAILROAD CARRIER.**—The term ‘railroad carrier’ has the meaning given the term in section 20102 of title 49, United States Code.”;

(2) in paragraph (2)—

(A) by striking “or natural gas company” and inserting “, natural gas company, or railroad carrier”; and

(B) by striking “or company” and inserting “, company, or carrier”;

(3) by striking paragraph (3);

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(5) in paragraph (4) (as so redesignated) by striking “and natural gas companies” and inserting “, natural gas companies, and railroad carriers”.

SEC. 123. CREDIT IN LIEU OF REIMBURSEMENT.

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a) by striking “that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act” and inserting “for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13)”;

(2) in subsection (b) by striking “share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies” and inserting “non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest”.

SEC. 124. CLARIFICATION OF CONTRIBUTIONS DURING EMERGENCY EVENTS.

Section 1024(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2325a(a)) is amended by inserting after “emergency” the following: “, or that has had or may have an equipment failure (including a failure caused by a lack of or deferred maintenance).”.

SEC. 125. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

“(e) **TECHNICAL ASSISTANCE.**—At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.”.

SEC. 126. NON-FEDERAL CONSTRUCTION OF AUTHORIZED FLOOD DAMAGE REDUCTION PROJECTS.

Section 204(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(d)) is amended by adding at the end the following:

“(5) **DISCRETE SEGMENTS.**—

“(A) **IN GENERAL.**—The Secretary may authorize credit or reimbursement under this subsection for a discrete segment of a flood damage reduction project, or separable element thereof, before final completion of the project or separable element if—

“(i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and

“(ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.

“(B) **DETERMINATION.**—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—

“(i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and

“(ii) the construction is consistent with the authorization of the applicable flood damage reduction project, or separable element thereof, and the plans approved under paragraph (1)(A)(i).

“(C) **WRITTEN AGREEMENT.**—

“(i) **IN GENERAL.**—As part of the written agreement required under paragraph (1)(A)(iii), a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—

“(I) identify any discrete segment that the non-Federal interest may carry out; and

“(II) agree to the completion of the flood damage reduction project, or separable element thereof, with respect to which the discrete segment is a part and establish a timeframe for such completion.

“(ii) **REMITTANCE.**—If a non-Federal interest fails to complete a flood damage reduction project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

“(D) **DISCRETE SEGMENT DEFINED.**—In this paragraph, the term ‘discrete segment’ means a physical portion of a flood damage reduction project, or separable element thereof—

“(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

“(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the flood damage reduction project, or separable element thereof.”.

SEC. 127. MULTISTATE ACTIVITIES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)(1)—

(A) by striking “or other non-Federal interest” and inserting “, group of States, or non-Federal interest”;

(B) by inserting “or group of States” after “working with a State”; and

(C) by inserting “or group of States” after “boundaries of such State”; and

(2) in subsection (c)(1) by adding at the end the following: “The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).”.

SEC. 128. REGIONAL PARTICIPATION ASSURANCE FOR LEVEE SAFETY ACTIVITIES.

(a) **NATIONAL LEVEE SAFETY PROGRAM.**—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) in paragraph (1) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”;

(2) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(3) by inserting after paragraph (11) the following:

“(12) **REGIONAL DISTRICT.**—The term ‘regional district’ means a subdivision of a State government, or a subdivision of multiple State governments, that is authorized to acquire, construct, operate, and maintain projects for the purpose of flood damage reduction.”.

(b) **INVENTORY AND INSPECTION OF LEVEES.**—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking “one year after the date of enactment of this Act” and inserting “1 year after the date of enactment of the Water Resources Development Act of 2016”;

(B) in paragraph (2)(A) by striking “States, Indian tribes, Federal agencies, and other entities” and inserting “States, regional districts, Indian tribes, Federal agencies, and other entities”; and

(C) in paragraph (3)—

(i) in the heading for subparagraph (A) by striking “FEDERAL, STATE, AND LOCAL” and inserting “FEDERAL, STATE, REGIONAL, TRIBAL, AND LOCAL”; and

(ii) in subparagraph (A) by striking “Federal, State, and local” and inserting “Federal, State, regional, tribal, and local”; and

(2) in subsection (c)—

(A) in paragraph (4)—

(i) in the paragraph heading by striking “STATE AND TRIBAL” and inserting “STATE, REGIONAL, AND TRIBAL”; and

(ii) by striking “State or Indian tribe” each place it appears and inserting “State, regional district, or Indian tribe”; and

(B) in paragraph (5)—

(i) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”; and

(ii) by striking “chief executive of the tribal government” and inserting “chief executive of the regional district or tribal government”.

(c) **LEVEE SAFETY INITIATIVE.**—Section 9005 of the Water Resources Development Act of 2007 (33 U.S.C. 3303a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “1 year after the date of enactment of this subsection” and inserting “1 year after the date of enactment of the Water Resources Development Act of 2016”; and

(II) by striking “State, local, and tribal governments and organizations” and inserting “State, regional, local, and tribal governments and organizations”; and

(ii) in subparagraph (A) by striking “Federal, State, tribal, and local agencies” and inserting

“Federal, State, regional, local, and tribal agencies”;

(B) in paragraph (3)—

(i) in subparagraph (A) by striking “State, local, and tribal governments” and inserting “State, regional, local, and tribal governments”; and

(ii) in subparagraph (B) by inserting “, regional, or tribal” after “State” each place it appears; and

(C) in paragraph (5)(A) by striking “States, non-Federal interests, and other appropriate stakeholders” and inserting “States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders”;

(2) in subsection (e)(1) in the matter preceding subparagraph (A) by striking “States, communities, and levee owners” and inserting “States, regional districts, Indian tribes, communities, and levee owners”;

(3) in subsection (g)—

(A) in the subsection heading by striking “STATE AND TRIBAL” and inserting “STATE, REGIONAL, AND TRIBAL”;

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “1 year after the date of enactment of this subsection” and inserting “1 year after the date of enactment of the Water Resources Development Act of 2016”; and

(II) by striking “State or tribal” and inserting “State, regional, or tribal”; and

(ii) in subparagraph (B)—

(I) by striking “State and Indian tribe” and inserting “State, regional district, and Indian tribe”; and

(II) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”; and

(C) in paragraph (2)—

(i) in the paragraph heading by striking “STATES” and inserting “STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES”;

(ii) in subparagraph (A) by striking “States and Indian tribes” and inserting “States, regional districts, and Indian tribes”;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”;

(II) in clause (ii) by striking “levees within the State” and inserting “levees within the State or regional district”; and

(III) in clause (iii) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”;

(iv) in subparagraph (C)(ii) in the matter preceding subclause (I) by striking “State or tribal” and inserting “State, regional, or tribal”; and

(v) in subparagraph (E)—

(I) by striking “States and Indian tribes” each place it appears and inserting “States, regional districts, and Indian tribes”;

(II) in clause (ii)(I)—

(aa) in the matter preceding item (aa) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”;

(bb) in item (aa) by striking “miles of levees in the State” and inserting “miles of levees in the State or regional district”; and

(cc) in item (bb) by striking “miles of levees in all States” and inserting “miles of levees in all States and regional districts”; and

(III) in clause (iii)—

(aa) by striking “State or Indian tribe” and inserting “State, regional district, or Indian tribe”; and

(bb) by striking “State or tribal” and inserting “State, regional, or tribal”; and

(4) in subsection (h)—

(A) in paragraph (1) by striking “States, Indian tribes, and local governments” and inserting “States, regional districts, Indian tribes, and local governments”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking “State, Indian tribe, or local government” and inserting “State, regional district, Indian tribe, or local government”; and

(ii) in subparagraph (E) in the matter preceding clause (i) by striking “State or tribal” and inserting “State, regional, or tribal”;

(C) in paragraph (3)—

(i) in subparagraph (A) by striking “State, Indian tribe, or local government” and inserting “State, regional district, Indian tribe, or local government”; and

(ii) in subparagraph (D) by striking “180 days after the date of enactment of this subsection” and inserting “180 days after the date of enactment of the Water Resources Development Act of 2016”; and

(D) in paragraph (4)(A)(i) by striking “State or tribal” and inserting “State, regional, or tribal”.

(d) REPORTS.—Section 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3303b) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A) by striking “1 year after the date of enactment of this subsection” and inserting “1 year after the date of enactment of the Water Resources Development Act of 2016”; and

(B) in subparagraph (B) by striking “State and tribal” and inserting “State, regional, and tribal”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “2 years after the date of enactment of this subsection” and inserting “2 years after the date of enactment of the Water Resources Development Act of 2016”; and

(ii) by striking “State, tribal, and local” and inserting “State, regional, tribal, and local”;

(B) in paragraph (2) by striking “State and tribal” and inserting “State, regional, and tribal”; and

(C) in paragraph (4) by striking “State and local” and inserting “State, regional, tribal, and local”; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1) by striking “1 year after the date of enactment of this subsection” and inserting “1 year after the date of enactment of the Water Resources Development Act of 2016”; and

(B) in paragraph (2) by striking “State or tribal” and inserting “State, regional, or tribal”.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting “and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation” after “Indian tribe”.

SEC. 130. INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) in the section heading by inserting “AND INDIAN TRIBES” after “TERRITORIES”; and

(2) in subsection (a)—

(A) by striking “projects in American” and inserting “projects—

“(1) in American”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(2) for a federally recognized Indian tribe.”.

SEC. 131. DISSEMINATION OF INFORMATION ON THE ANNUAL REPORT PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Congress plays a central role in identifying, prioritizing, and authorizing vital water resources infrastructure activities throughout the United States.

(2) The Water Resources Reform and Development Act of 2014 (Public Law 113–121) established a new and transparent process to review and prioritize the water resources development activities of the Corps of Engineers with strong congressional oversight.

(3) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) requires the Secretary to develop and

submit to Congress each year a Report to Congress on Future Water Resources Development and, as part of the annual report process, to—

(A) publish a notice in the Federal Register that requests from non-Federal interests proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies for inclusion in the report; and

(B) review the proposals submitted and include in the report those proposed feasibility studies and proposed modifications that meet the criteria for inclusion established under section 7001.

(4) Congress will use the information provided in the annual Report to Congress on Future Water Resources Development to determine authorization needs and priorities for purposes of water resources development legislation.

(5) To ensure that Congress can gain a thorough understanding of the water resources development needs and priorities of the United States, it is important that the Secretary take sufficient steps to ensure that non-Federal interests are made aware of the new annual report process, including the need for non-Federal interests to submit proposals during the Secretary’s annual request for proposals in order for such proposals to be eligible for consideration by Congress.

(b) DISSEMINATION OF PROCESS INFORMATION.—The Secretary shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

(1) develop and disseminate technical assistance materials, seminars, and guidance on the annual process as it relates to non-Federal interests;

(2) provide written notice to previous and potential non-Federal interests and local elected officials on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

(3) issue guidance for non-Federal interests to assist such interests in developing proposals for water resources development projects that satisfy the requirements of section 7001; and

(4) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

SEC. 132. SCOPE OF PROJECTS.

Section 7001(f) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(f)) is amended by adding at the end the following:

“(5) WATER RESOURCES DEVELOPMENT PROJECT.—The term ‘water resources development project’ includes a project under an environmental infrastructure assistance program.”.

SEC. 133. PRELIMINARY FEASIBILITY STUDY ACTIVITIES.

At the request of a non-Federal interest with respect to a proposed water resources development project, the Secretary shall meet with the non-Federal interest, prior to initiating a feasibility study relating to the proposed project, to review a preliminary analysis of the Federal interest in the proposed project and the costs, benefits, and environmental impacts of the proposed project, including an estimate of the costs of preparing a feasibility report.

SEC. 134. POST-AUTHORIZATION CHANGE REPORTS.

(a) IN GENERAL.—The completion of a post-authorization change report prepared by the Corps of Engineers for a water resources development project—

(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration; and

(2) shall be submitted, upon completion, to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) **COMPLETION REVIEW.**—With respect to a post-authorization change report subject to review by the Secretary, the Secretary shall, not later than 120 days after the date of completion of such report—

(1) review the report; and

(2) provide to Congress any recommendations of the Secretary regarding modification of the applicable water resources development project.

(c) **PRIOR REPORTS.**—Not later than 120 days after the date of enactment of this Act, with respect to any post-authorization change report that was completed prior to the date of enactment of this Act and is subject to a review by the Secretary that has yet to be completed, the Secretary shall complete review of, and provide recommendations to Congress with respect to, the report.

(d) **POST-AUTHORIZATION CHANGE REPORT INCLUSIONS.**—In this section, the term “post-authorization change report” includes—

(1) a general reevaluation report;

(2) a limited reevaluation report; and

(3) any other report that recommends the modification of an authorized water resources development project.

SEC. 135. MAINTENANCE DREDGING DATA.

(a) **IN GENERAL.**—The Secretary shall establish, maintain, and make publicly available a database on maintenance dredging carried out by the Secretary, which shall include information on maintenance dredging carried out by Federal and non-Federal vessels.

(b) **SCOPE.**—The Secretary shall include in the database maintained under subsection (a), for each maintenance dredging project and contract, data on—

(1) the volume of dredged material removed;

(2) the initial cost estimate of the Corps of Engineers;

(3) the total cost;

(4) the party and vessel carrying out the work; and

(5) the number of private contractor bids received and the bid amounts, including bids that did not win the final contract award.

SEC. 136. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

(a) **IN GENERAL.**—Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) is amended to read as follows:

“SEC. 2040. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

“(a) **DEVELOPMENT OF ELECTRONIC SYSTEM.**—“(1) **IN GENERAL.**—The Secretary shall research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary.

“(2) **INCLUSION.**—The electronic system required under paragraph (1) shall address—

“(A) applications for standard individual permits;

“(B) applications for letters of permission;

“(C) joint applications with States for State and Federal permits;

“(D) applications for emergency permits;

“(E) applications or requests for jurisdictional determinations; and

“(F) preconstruction notification submissions, when required for a nationwide or other general permit.

“(3) **IMPROVING EXISTING DATA SYSTEMS.**—The Secretary shall seek to incorporate the electronic system required under paragraph (1) into existing systems and databases of the Corps of Engineers to the maximum extent practicable.

“(4) **PROTECTION OF INFORMATION.**—The electronic system required under paragraph (1) shall provide for the protection of personal, private, privileged, confidential, and proprietary infor-

mation, and information the disclosure of which is otherwise prohibited by law.

“(b) **SYSTEM REQUIREMENTS.**—The electronic system required under subsection (a) shall—

“(1) enable an applicant or requester to prepare electronically an application for a permit or request;

“(2) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, the completed application form or request;

“(3) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, data and other information in support of the permit application or request;

“(4) provide an online interactive guide to provide assistance to an applicant or requester at any time while filling out the permit application or request; and

“(5) enable an applicant or requester (or a designated agent) to track the status of a permit application or request in a manner that will—

“(A) allow the applicant or requester to determine whether the application is pending or final and the disposition of the request;

“(B) allow the applicant or requester to research previously submitted permit applications and requests within a given geographic area and the results of such applications or requests; and

“(C) allow identification and display of the location of the activities subject to a permit or request through a map-based interface.

“(c) **DOCUMENTATION.**—All permit decisions and jurisdictional determinations made by the Secretary shall be in writing and include documentation supporting the basis for the decision or determination. The Secretary shall prescribe means for documenting all decisions or determinations to be made by the Secretary.

“(d) **RECORD OF DETERMINATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall maintain, for a minimum of 5 years, a record of all permit decisions and jurisdictional determinations made by the Secretary, including documentation supporting the basis of the decisions and determinations.

“(2) **ARCHIVING OF INFORMATION.**—The Secretary shall explore and implement an appropriate mechanism for archiving records of permit decisions and jurisdictional determinations, including documentation supporting the basis of the decisions and determinations, after the 5-year maintenance period described in paragraph (1).

“(e) **AVAILABILITY OF DETERMINATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall make the records of all permit decisions and jurisdictional determinations made by the Secretary available to the public for review and reproduction.

“(2) **PROTECTION OF INFORMATION.**—The Secretary shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is prohibited by law, which may be excluded from disclosure.

“(f) **DEADLINE FOR ELECTRONIC SYSTEM IMPLEMENTATION.**—

“(1) **IN GENERAL.**—The Secretary shall develop and implement, to the maximum extent practicable, the electronic system required under subsection (a) not later than 2 years after the date of enactment of the Water Resources Development Act of 2016.

“(2) **REPORT ON ELECTRONIC SYSTEM IMPLEMENTATION.**—Not later than 180 days after the expiration of the deadline under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the measures implemented and barriers faced in carrying out this section.

“(g) **APPLICABILITY.**—The requirements described in subsections (c), (d), and (e) shall apply to permit applications and requests for ju-

risdictional determinations submitted to the Secretary after the date of enactment of the Water Resources Development Act of 2016.

“(h) **LIMITATION.**—This section shall not preclude the submission to the Secretary, acting through the Chief of Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Water Resources Development Act of 2007 is amended by striking the item relating to section 2040 and inserting the following:

“Sec. 2040. Electronic submission and tracking of permit applications.”.

SEC. 137. DATA TRANSPARENCY.

Section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342) is amended to read as follows:

“SEC. 2017. ACCESS TO WATER RESOURCE DATA.

“(a) **IN GENERAL.**—Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

“(1) the planning, design, construction, operation, and maintenance of water resources development projects; and

“(2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

“(b) **LIMITATION.**—Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

“(c) **TIMING.**—The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

“(d) **PARTNERSHIPS.**—In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.”.

SEC. 138. BACKLOG PREVENTION.

(a) **PROJECT DEAUTHORIZATION.**—

(1) **IN GENERAL.**—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 7-year period beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

(2) **IDENTIFICATION OF PROJECTS.**—Not later than 60 days after the expiration of the 7-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) **REPORT TO CONGRESS.**—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to

Congress regarding how to mitigate current problems and the backlog.

SEC. 139. QUALITY CONTROL.

(a) IN GENERAL.—Paragraph (a) of the first section of the Act of December 22, 1944 (58 Stat. 888, chapter 665; 33 U.S.C. 701–1(a)), is amended by inserting “and shall be made publicly available” before the period at the end.

(b) PROJECT ADMINISTRATION.—Section 2041(b)(1) of the Water Resources Development Act of 2007 (33 U.S.C. 2346(b)(1)) is amended by inserting “final post-authorization change report,” after “final reevaluation report.”.

SEC. 140. BUDGET DEVELOPMENT AND PRIORITIZATION.

(a) IN GENERAL.—In conjunction with the President's budget submission to Congress with respect to fiscal year 2018 under section 1105(a) of title 31, United States Code, and biennially thereafter in conjunction with the President's budget submission, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that describes—

- (1) the metrics used in developing the civil works budget for the applicable fiscal year;
- (2) the metrics used in developing each business line in the civil works budget; and
- (3) how projects are prioritized in the applicable budget submission, including how the Secretary determines those projects for which construction initiation is recommended.

(b) NOTIFICATION.—

(1) REQUIREMENT.—If the Secretary proposes a covered revised budget estimate, the Secretary shall notify, in writing, each Member of Congress representing a congressional district affected by the study, project, or activity subject to the revised estimate.

(2) COVERED REVISED BUDGET ESTIMATE DEFINED.—In this subsection, the term “covered revised budget estimate” means a budget estimate for a water resources development study, project, or activity that differs from the estimate most recently specified for that study, project, or activity in a budget of the President submitted under section 1105(a) of title 31, United States Code.

SEC. 141. USE OF NATURAL AND NATURE-BASED FEATURES.

(a) REPORT.—Not later than February 1, 2017, and biennially thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the use of natural and nature-based features in water resources development projects, including flood risk reduction, coastal resiliency, and ecosystem restoration projects.

(b) CONTENTS.—The report shall include, at a minimum, the following:

(1) An assessment of the observed and potential impacts of the use of natural and nature-based features on the cost and effectiveness of water resources development projects and any co-benefits resulting from the use of such features.

(2) A description of any statutory, fiscal, or regulatory barrier to the appropriate consideration and use of natural and nature-based features in carrying out water resources development projects.

SEC. 142. ANNUAL REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.

Section 213(a) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4831) is amended by adding at the end the following:

“(4) ANNUAL REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

“(A) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Sec-

retary shall submit to Congress a report on the amount of acquisitions in such fiscal year made by the Corps of Engineers for civil works projects from entities that manufactured the articles, materials, or supplies outside of the United States.

“(B) CONTENTS.—The report required under subparagraph (A) shall indicate, for each acquisition—

“(i) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; and

“(ii) a summary of the total procurement funds spent on goods manufactured in the United States and the total procurement funds spent on goods manufactured outside of the United States.

“(C) PUBLIC AVAILABILITY.—Not later than 30 days after the submission of a report under subparagraph (A), the Secretary shall make such report publicly available on the agency's Web site.”.

SEC. 143. INTEGRATED WATER RESOURCES PLANNING.

In carrying out a feasibility study for a water resources development project, the Secretary shall coordinate with communities in the watershed covered by such study to determine if a local or regional water management plan exists or is under development for the purposes of stormwater management, water quality improvement, aquifer recharge, or water reuse. If such a local or regional water management plan exists for the watershed, the Secretary shall, in cooperation with the non-Federal sponsor for the plan and affected local public entities, avoid adversely affecting the purposes of the plan and, where feasible, incorporate the purposes of the plan into the Secretary's feasibility study.

SEC. 144. EVALUATION OF PROJECT PARTNERSHIP AGREEMENTS.

To the maximum extent practicable, the Secretary shall prioritize and complete the activities required of the Secretary under section 1013 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1218).

SEC. 145. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) in subsection (a)(4)(A) by striking “Code of Federal Regulation” and inserting “Code of Federal Regulations”; and

(2) in subsection (f)—

(A) in paragraph (1) by striking “2018” and inserting “2020”; and

(B) in paragraph (3)—

(i) by striking “2015 through 2018” and inserting “2016 through 2020”; and

(ii) by striking “2019 through 2022” and inserting “2021 through 2025”.

SEC. 146. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking “(25 U.S.C. 450b))” each place it appears and inserting “(25 U.S.C. 450b)) and Native villages, Regional Corporations, and Village Corporations (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))”; and

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) CONSIDERATION OF NATIONAL SECURITY INTERESTS.—In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary shall consult with the Secretary of Homeland Security and the Secretary of Defense to identify national security benefits associated with the Arctic deep draft port.”.

SEC. 147. INTERNATIONAL OUTREACH PROGRAM.

Section 401(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2329(a)) is amended to read as follows:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—The Secretary may engage in activities to inform the United States of technological innovations abroad that could significantly improve water resources development in the United States.

“(2) INCLUSIONS.—Activities under paragraph (1) may include—

“(A) development, monitoring, assessment, and dissemination of information about foreign water resources projects that could significantly improve water resources development in the United States;

“(B) research, development, training, and other forms of technology transfer and exchange; and

“(C) offering technical services that cannot be readily obtained in the private sector to be incorporated into water resources projects if the costs for assistance will be recovered under the terms of each project.”.

SEC. 148. COMPREHENSIVE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study on the flood risks for vulnerable coastal populations in areas within the boundaries of the South Atlantic Division of the Corps of Engineers.

(b) INCLUSIONS.—In carrying out the study, the Secretary shall identify—

(1) activities that warrant additional analysis by the Corps of Engineers; and

(2) institutional and other barriers to providing protection to the vulnerable coastal populations.

(c) COORDINATION.—The Secretary shall conduct the study in coordination with appropriate Federal agencies and State, local, and tribal entities to ensure consistency with related plans.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$6,000,000 to carry out this section.

SEC. 149. ALTERNATIVE MODELS FOR MANAGING INLAND WATERWAYS TRUST FUND.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to analyze alternative models for managing the Inland Waterways Trust Fund, including the management of—

(1) project schedules for projects receiving assistance from the fund; and

(2) expenditures from the fund.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine, at a minimum, the costs and benefits of transferring management of the fund to a not-for-profit corporation or government-owned corporation.

(c) CONSIDERATIONS.—In assessing costs and benefits under subsection (b), the Comptroller General shall consider, among other factors—

(1) the benefits to the taxpayer;

(2) the impact on project delivery; and

(3) the impact on jobs.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 150. ALTERNATIVE PROJECTS TO MAINTENANCE DREDGING.

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a channel if the alternative project would lower the overall costs of maintaining the channel.

SEC. 151. FISH HATCHERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or a similar State law.

(b) COSTS.—A non-Federal entity, a Federal agency other than the Department of Defense, or a group of non-Federal entities or such Federal agencies shall be responsible for 100 percent

of the costs associated with managing a fish hatchery for the purpose described in subsection (a) that are not authorized as of the date of enactment of this Act for the fish hatchery.

SEC. 152. ENVIRONMENTAL BANKS.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Chairperson of the Gulf Coast Ecosystem Restoration Council, with the concurrence of two-thirds of the Council, shall issue such regulations as are necessary for the establishment of procedures and processes for the use, maintenance, and oversight of environmental banks for purposes of mitigating adverse environmental impacts sustained by construction or other activities as required by law or regulation.

(b) **REQUIREMENTS.**—The regulations issued pursuant to subsection (a) shall—

(1) set forth procedures for certification of environmental banks, including criteria for adoption of an environmental banking instrument;

(2) provide a mechanism for the transfer of environmental credits;

(3) provide for priority certification to environmental banks that enhance the resilience of coastal resources to inundation and coastal erosion, including the restoration of resources within the scope of a project authorized for construction;

(4) ensure certification is given only to banks with secured adequate financial assurance and appropriate legally enforceable protection for restored lands or resources;

(5) stipulate conditions under which cross-crediting of environmental services may occur and provide standards for the conversion of such crediting;

(6) establish performance criteria for environmental banks;

(7) establish criteria for the operation and monitoring of environmental banks; and

(8) establish a framework whereby the purchase of credit from an environmental bank may be used to offset or satisfy past, current, or future adverse environmental impacts or liability under law to wetlands, water, wildlife, or other natural resources.

(c) **CONSIDERATION.**—In developing the regulations required under subsection (a), the Chairperson shall take into consideration habitat equivalency analysis.

(d) **MODIFICATIONS.**—The Chairperson may modify or update the regulations issued pursuant to this section, subject to appropriate consultation and public participation, provided that two-thirds of the Gulf Coast Ecosystem Restoration Council approves the modification or update.

(e) **DEFINITION OF ENVIRONMENTAL BANK.**—In this section, the term “environmental bank” means a project, project increment, or projects for purposes of restoring, creating, enhancing, or preserving natural resources in a designated site to provide for credits to offset adverse environmental impacts.

(f) **SAVINGS CLAUSE.**—Nothing in this section—

(1) affects the requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

(2) affects the obligations or requirements of any Federal environmental law.

TITLE II—STUDIES

SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) **OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.**—Project for navigation, Ouachita-Black Rivers, Arkansas and Louisiana.

(2) **CACHE CREEK SETTling BASIN, CALIFORNIA.**—Project for flood damage reduction and ecosystem restoration, Cache Creek Settling Basin, California.

(3) **COYOTE VALLEY DAM, CALIFORNIA.**—Project for flood damage reduction, environmental restoration, and water supply, Coyote Valley Dam, California.

(4) **DEL ROSA CHANNEL, CITY OF SAN BERNARDINO, CALIFORNIA.**—Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.

(5) **MERCED COUNTY STREAMS, CALIFORNIA.**—Project for flood damage reduction, Merced County Streams, California.

(6) **MISSION-ZANJA CHANNEL, CITIES OF SAN BERNARDINO AND REDLANDS, CALIFORNIA.**—Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.

(7) **SOBOBA INDIAN RESERVATION, CALIFORNIA.**—Project for flood damage reduction, Soboba Indian Reservation, California.

(8) **INDIAN RIVER INLET, DELAWARE.**—Project for hurricane and storm damage reduction, Indian River Inlet, Delaware.

(9) **LEWES BEACH, DELAWARE.**—Project for hurricane and storm damage reduction, Lewes Beach, Delaware.

(10) **MISPILLION COMPLEX, KENT AND SUSSEX COUNTIES, DELAWARE.**—Project for hurricane and storm damage reduction, Mispillion Complex, Kent and Sussex Counties, Delaware.

(11) **DAYTONA BEACH, FLORIDA.**—Project for flood damage reduction, Daytona Beach, Florida.

(12) **BRUNSWICK HARBOR, GEORGIA.**—Project for navigation, Brunswick Harbor, Georgia.

(13) **DUBUQUE, IOWA.**—Project for flood damage reduction, Dubuque, Iowa.

(14) **ST. TAMMANY PARISH, LOUISIANA.**—Project for flood damage reduction and ecosystem restoration, St. Tammany Parish, Louisiana.

(15) **CATTARAUGUS CREEK, NEW YORK.**—Project for flood damage reduction, Cattaraugus Creek, New York.

(16) **CAYUGA INLET, ITHACA, NEW YORK.**—Project for navigation and flood damage reduction, Cayuga Inlet, Ithaca, New York.

(17) **DELAWARE RIVER BASIN, NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE.**—Projects for flood control, Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware, authorized by section 408 of the Act of July 24, 1946 (60 Stat. 644, chapter 596), and section 203 of the Flood Control Act of 1962 (76 Stat. 1182), to review operations of the projects to enhance opportunities for ecosystem restoration and water supply.

(18) **SILVER CREEK, HANOVER, NEW YORK.**—Project for flood damage reduction and ecosystem restoration, Silver Creek, Hanover, New York.

(19) **TULSA AND WEST TULSA LEVEES, TULSA, OKLAHOMA.**—Project for flood damage reduction, Tulsa and West Tulsa Levees, Tulsa, Oklahoma.

(20) **STONYCREEK AND LITTLE CONEMAUGH RIVERS, PENNSYLVANIA.**—Project for flood damage reduction and recreation, Stonycreek and Little Conemaugh Rivers, Pennsylvania.

(21) **TIOGA-HAMMOND LAKE, PENNSYLVANIA.**—Project for ecosystem restoration, Tioga-Hammond Lake, Pennsylvania.

(22) **BRAZOS RIVER, FORT BEND COUNTY, TEXAS.**—Project for flood damage reduction in the vicinity of the Brazos River, Fort Bend County, Texas.

(23) **CHACON CREEK, CITY OF LAREDO, TEXAS.**—Project for flood damage reduction, ecosystem restoration, and recreation, Chacon Creek, city of Laredo, Texas.

(24) **CORPUS CHRISTI SHIP CHANNEL, TEXAS.**—Project for navigation, Corpus Christi Ship Channel, Texas.

(25) **CITY OF EL PASO, TEXAS.**—Project for flood damage reduction, city of El Paso, Texas.

(26) **GULF INTRACOASTAL WATERWAY, BRAZORIA AND MATAGORDA COUNTIES, TEXAS.**—Project for navigation and hurricane and storm damage reduction, Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.

(27) **PORT OF BAY CITY, TEXAS.**—Project for navigation, Port of Bay City, Texas.

(28) **CHINCOTEAGUE ISLAND, VIRGINIA.**—Project for hurricane and storm damage reduction, navigation, and ecosystem restoration, Chincoteague Island, Virginia.

(29) **BURLEY CREEK WATERSHED, KITSAP COUNTY, WASHINGTON.**—Project for flood damage reduction and ecosystem restoration, Burley Creek Watershed, Kitsap County, Washington.

SEC. 202. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) **FEASIBILITY REPORTS.**—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona.

(2) Project for flood risk management, Lower San Joaquin River, California. In carrying out the feasibility study for the project, the Secretary shall include Reclamation District 17 as part of the study.

(3) Project for flood risk management and ecosystem restoration, Sacramento River Flood Control System, California.

(4) Project for hurricane and storm damage risk reduction, Ft. Pierce, Florida.

(5) Project for flood risk management, Des Moines and Raccoon Rivers, Iowa.

(6) Project for navigation, Mississippi River Ship Channel, Louisiana.

(7) Project for flood risk management, North Branch Ecorse Creek, Wayne County, Michigan.

(8) Project for flood risk management, Rahway River Basin (Upper Basin), New Jersey.

(9) Project for navigation, Upper Ohio River, Pennsylvania.

(b) **POST-AUTHORIZATION CHANGE REPORTS.**—The Secretary shall expedite completion of a post-authorization change report for each of the following projects:

(1) Project for flood risk management, Swope Park Industrial Area, Kansas City, Missouri.

(2) Project for hurricane and storm damage risk reduction, New Hanover County, North Carolina.

TITLE III—DEAUTHORIZATIONS AND RELATED PROVISIONS

SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) **PURPOSES.**—The purposes of this section are—

(1) to identify \$5,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) **INTERIM DEAUTHORIZATION LIST.**—

(1) **IN GENERAL.**—The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years; and

(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$5,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2).

(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(3).

(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(3) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section, the following definitions apply:

(A) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or sepa-

table element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

SEC. 302. VALDEZ, ALASKA.

(a) IN GENERAL.—Subject to subsection (b), the portion of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon the property referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project referred to in subsection (a).

SEC. 303. LOS ANGELES COUNTY DRAINAGE AREA, LOS ANGELES COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the Water Control Manuals for control structures in the Los Angeles County Drainage Area, Los Angeles County, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Public Law 101-640; 104 Stat. 4611); and

(2) integrate and incorporate into the project seasonal operations for water conservation and water supply.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. 304. SUTTER BASIN, CALIFORNIA.

(a) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—The deauthorization under subsection (a) does not affect—

(1) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1366); or

(2) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(A) section 2 of the Act of March 1, 1917 (39 Stat. 949, chapter 144);

(B) section 12 of the Act of December 22, 1944 (58 Stat. 900, chapter 665);

(C) section 204 of the Flood Control Act of 1950 (64 Stat. 177, chapter 188); and

(D) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

SEC. 305. ESSEX RIVER, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portions of the project for navigation, Essex River, Massachusetts, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), and modified by the Act of March 3, 1899 (30 Stat. 1121, chapter 425), and the Act of March 2, 1907 (34 Stat. 1073, chapter 2509), that do not lie within the areas described in subsection (b) are no longer authorized beginning on the date of enactment of this Act.

(b) DESCRIPTION OF PROJECT AREAS.—The areas described in this subsection are as follows: Beginning at a point N3056139.82 E851780.21, thence southwesterly about 156.88 feet to a point N3055997.75 E851713.67; thence southwesterly about 64.59 feet to a point N3055959.37 E851661.72; thence southwesterly about 145.14 feet to a point N3055887.10 E851535.85; thence southwesterly about 204.91 feet to a point N3055855.12 E851333.45; thence northwesterly

about 423.50 feet to a point N3055976.70 E850927.78; thence northwesterly about 58.77 feet to a point N3056002.99 E850875.21; thence northwesterly about 240.57 feet to a point N3056232.82 E850804.14; thence northwesterly about 203.60 feet to a point N3056435.41 E850783.93; thence northwesterly about 78.63 feet to a point N3056499.63 E850738.56; thence northwesterly about 60.00 feet to a point N3056526.30 E850684.81; thence southwesterly about 85.56 feet to a point N3056523.33 E850599.31; thence southwesterly about 36.20 feet to a point N3056512.37 E850564.81; thence southwesterly about 80.10 feet to a point N3056467.08 E850498.74; thence southwesterly about 169.05 feet to a point N3056334.36 E850394.03; thence northwesterly about 48.52 feet to a point N3056354.38 E850349.83; thence northeasterly about 83.71 feet to a point N3056436.35 E850366.84; thence northeasterly about 212.38 feet to a point N3056548.70 E850547.07; thence northeasterly about 47.60 feet to a point N3056563.12 E850592.43; thence northeasterly about 101.16 feet to a point N3056566.62 E850693.53; thence southeasterly about 80.22 feet to a point N3056530.97 E850765.40; thence southeasterly about 99.29 feet to a point N3056449.88 E850822.69; thence southeasterly about 210.12 feet to a point N3056240.79 E850843.54; thence southeasterly about 219.46 feet to a point N3056031.13 E850908.38; thence southeasterly about 38.23 feet to a point N3056014.02 E850942.57; thence southeasterly about 410.93 feet to a point N3055896.06 E851336.21; thence northeasterly about 188.43 feet to a point N3055925.46 E851522.33; thence northeasterly about 135.47 feet to a point N3055992.91 E851639.80; thence northeasterly about 52.15 feet to a point N3056023.90 E851681.75; thence northeasterly about 91.57 feet to a point N3056106.82 E851720.59.

SEC. 306. PORT OF CASCADE LOCKS, OREGON.

(a) **EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.**—With respect to the properties described in subsection (b), beginning on the date of enactment of this Act, the flowage easements described in subsection (c) are extinguished above elevation 82.2 feet (NGVD29), the ordinary high water line.

(b) **AFFECTED PROPERTIES.**—The properties described in this subsection, as recorded in Hood River County, Oregon, are as follows:

(1) Lots 3, 4, 5, and 7 of the “Port of Cascade Locks Business Park” subdivision, Instrument Number 2014-00436.

(2) Parcels 1, 2, and 3 of Hood River County Partition, Plat Number 2008-25P.

(c) **FLOWAGE EASEMENTS.**—The flowage easements described in this subsection are identified as Tracts 302E-1 and 304E-1 on the easement deeds recorded as instruments in Hood River County, Oregon, and described as follows:

(1) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25, page 531 (Records of Hood River County, Oregon), in favor of the United States (302E-1-Perpetual Flowage Easement from 10/5/37, 10/5/36, and 10/3/36; previously acquired as Tracts OH-36 and OH-41 and a portion of Tract OH-47).

(2) A flowage easement dated October 5, 1936, recorded October 17, 1936, book 25, page 476 (Records of Hood River County, Oregon), in favor of the United States, affecting that portion below the 94-foot contour line above main sea level (304 E1-Perpetual Flowage Easement from 8/10/37 and 10/3/36; previously acquired as Tract OH-042 and a portion of Tract OH-47).

(d) **FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.**—

(1) **FEDERAL LIABILITY.**—The United States shall not be liable for any injury caused by the extinguishment of an easement under this section.

(2) **CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.**—Nothing in this section establishes any cultural or environmental regulation

relating to the properties described in subsection (b).

(e) **EFFECT ON OTHER RIGHTS.**—Nothing in this section affects any remaining right or interest of the Corps of Engineers in the properties described in subsection (b).

SEC. 307. CENTRAL DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA.

(a) **AREA TO BE DECLARED NONNAVIGABLE.**—Subject to subsection (c), unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that there are substantive objections, those portions of the Delaware River, bounded by the former bulkhead and pierhead lines that were established by the Secretary of War and successors and described as follows, are declared to be nonnavigable waters of the United States:

(1) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61-63, 60, 57, 55, 53, 48, 46, 40, and 38.

(2) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: Piers 24, 25, 27-35, 35.5, 36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67, 69, 70-72, and Rivercenter.

(b) **PUBLIC INTEREST DETERMINATION.**—The Secretary shall make the public interest determination under subsection (a) separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion, not later than 150 days after the date of submission of appropriate plans for the proposed project.

(c) **LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.**—The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401 and 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 308. HUNTINGDON COUNTY, PENNSYLVANIA.

(a) **IN GENERAL.**—The Secretary shall—

(1) prioritize the updating of the Master Plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1182); and

(2) ensure that alternatives for additional recreation access and development at the project are fully assessed, evaluated, and incorporated as a part of the update.

(b) **PARTICIPATION.**—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. 309. RIVERCENTER, PHILADELPHIA, PENNSYLVANIA.

Section 38(c) of the Water Resources Development Act of 1988 (33 U.S.C. 59j-1(c)) is amended—

(1) by striking “(except 30 years from such date of enactment, in the case of the area or any part thereof described in subsection (a)(5))”; and

(2) by adding at the end the following: “Notwithstanding the preceding sentence, the declaration of nonnavigability for the area described in subsection (a)(5), or any part thereof, shall not expire.”

SEC. 310. JOE POOL LAKE, TEXAS.

The Secretary shall accept from the Trinity River Authority of Texas, if received by September 30, 2016, \$31,233,401 as payment in full of

amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a. (relating to project investment costs) of contract number DACW63-76-C-0106, as of the date of enactment of this Act.

SEC. 311. SALT CREEK, GRAHAM, TEXAS.

(a) **IN GENERAL.**—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 278), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(b) **CERTAIN PROJECT-RELATED CLAIMS.**—The non-Federal interest for the project shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(c) **TRANSFER.**—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal interest that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal interest.

(d) **REVERSION.**—If the Secretary determines that land transferred under subsection (c) ceases to be owned by the public, all right, title, and interest in and to the land and improvements thereon shall revert, at the discretion of the Secretary, to the United States.

SEC. 312. TEXAS CITY SHIP CHANNEL, TEXAS CITY, TEXAS.

(a) **IN GENERAL.**—The portion of the Texas City Ship Channel, Texas City, Texas, described in subsection (b) shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) **DESCRIPTION.**—The portion of the Texas City Ship Channel described in this subsection is a tract or parcel containing 393.53 acres (17,142,111 square feet) of land situated in the City of Texas City Survey, Abstract Number 681, and State of Texas Submerged Lands Tracts 98A and 99A, Galveston County, Texas, said 393.53 acre tract being more particularly described as follows:

(1) Beginning at the intersection of an edge of fill along Galveston Bay with the most northerly east survey line of said City of Texas City Survey, Abstract No. 681, the same being a called 375.75 acre tract patented by the State of Texas to the City of Texas City and recorded in Volume 1941, Page 750 of the Galveston County Deed Records (G.C.D.R.), from which a found U.S. Army Corps of Engineers Brass Cap stamped “R 4-3” set in the top of the Texas City Dike along the east side of Bay Street bears North 56° 14' 32" West, a distance of 6,045.31 feet and from which a found U.S. Army Corps of Engineers Brass Cap stamped “R 4-2” set in the top of the Texas City Dike along the east side of Bay Street bears North 49° 13' 20" West, a distance of 6,693.64 feet.

(2) Thence, over and across said State Tracts 98A and 99A and along the edge of fill along said Galveston Bay, the following eight (8) courses and distances:

(A) South 75° 49' 13" East, a distance of 298.08 feet to an angle point of the tract herein described.

(B) South 81° 16' 26" East, a distance of 170.58 feet to an angle point of the tract herein described.

(C) South 79° 20' 31" East, a distance of 802.34 feet to an angle point of the tract herein described.

(D) South 75° 57' 32" East, a distance of 869.68 feet to a point for the beginning of a non-tangent curve to the right.

(E) Easterly along said non-tangent curve to the right having a radius of 736.80 feet, a central angle of 24° 55' 59", a chord of South 68° 47'

35° East – 318.10 feet, and an arc length of 320.63 feet to a point for the beginning of a non-tangent curve to the left.

(F) Easterly along said non-tangent curve to the left having a radius of 373.30 feet, a central angle of 31° 57' 42", a chord of South 66° 10' 42" East – 205.55 feet, and an arc length of 208.24 feet to a point for the beginning of a non-tangent curve to the right.

(G) Easterly along said non-tangent curve to the right having a radius of 15,450.89 feet, a central angle of 02° 04' 10", a chord of South 81° 56' 20" East – 558.04 feet, and an arc length of 558.07 feet to a point for the beginning of a compound curve to the right and the northeasterly corner of the tract herein described.

(H) Southerly along said compound curve to the right and the easterly line of the tract herein described, having a radius of 1,425.00 feet, a central angle of 133° 08' 00", a chord of South 14° 20' 15" East – 2,614.94 feet, and an arc length of 3,311.15 feet to a point on a line lying 125.00 feet northerly of and parallel with the centerline of an existing levee for the southeasterly corner of the tract herein described.

(3) Thence, continuing over and across said State Tracts 98A and 99A and along lines lying 125.00 feet northerly of, parallel, and concentric with the centerline of said existing levee, the following twelve (12) courses and distances:

(A) North 78° 01' 58" West, a distance of 840.90 feet to an angle point of the tract herein described.

(B) North 76° 58' 35" West, a distance of 976.66 feet to an angle point of the tract herein described.

(C) North 76° 44' 33" West, a distance of 1,757.03 feet to a point for the beginning of a tangent curve to the left.

(D) Southwesterly, along said tangent curve to the left having a radius of 185.00 feet, a central angle of 82° 27' 32", a chord of South 62° 01' 41" West – 243.86 feet, and an arc length of 266.25 feet to a point for the beginning of a compound curve to the left.

(E) Southerly, along said compound curve to the left having a radius of 4,535.58 feet, a central angle of 11° 06' 58", a chord of South 15° 14' 26" West – 878.59 feet, and an arc length of 879.97 feet to an angle point of the tract herein described.

(F) South 64° 37' 11" West, a distance of 146.03 feet to an angle point of the tract herein described.

(G) South 67° 08' 21" West, a distance of 194.42 feet to an angle point of the tract herein described.

(H) North 34° 48' 22" West, a distance of 789.69 feet to an angle point of the tract herein described.

(I) South 42° 47' 10" West, a distance of 161.01 feet to an angle point of the tract herein described.

(J) South 42° 47' 10" West, a distance of 144.66 feet to a point for the beginning of a tangent curve to the right.

(K) Westerly, along said tangent curve to the right having a radius of 310.00 feet, a central angle of 59° 50' 28", a chord of South 72° 42' 24" West – 309.26 feet, and an arc length of 323.77 feet to an angle point of the tract herein described.

(L) North 77° 22' 21" West, a distance of 591.41 feet to the intersection of said parallel line with the edge of fill adjacent to the easterly edge of the Texas City Turning Basin for the southwest corner of the tract herein described, from

which a found U.S. Army Corps of Engineers Brass Cap stamped "SWAN 2" set in the top of a concrete column set flush in the ground along the north bank of Swan Lake bears South 20° 51' 58" West, a distance of 4,862.67 feet.

(4) Thence, over and across said City of Texas City Survey and along the edge of fill adjacent to the easterly edge of said Texas City Turning Basin, the following eighteen (18) courses and distances:

(A) North 01° 34' 19" East, a distance of 57.40 feet to an angle point of the tract herein described.

(B) North 05° 02' 13" West, a distance of 161.85 feet to an angle point of the tract herein described.

(C) North 06° 01' 56" East, a distance of 297.75 feet to an angle point of the tract herein described.

(D) North 06° 18' 07" West, a distance of 71.33 feet to an angle point of the tract herein described.

(E) North 07° 21' 09" West, a distance of 122.45 feet to an angle point of the tract herein described.

(F) North 26° 41' 15" West, a distance of 46.02 feet to an angle point of the tract herein described.

(G) North 01° 31' 59" West, a distance of 219.78 feet to an angle point of the tract herein described.

(H) North 15° 54' 07" West, a distance of 104.89 feet to an angle point of the tract herein described.

(I) North 04° 00' 34" East, a distance of 72.94 feet to an angle point of the tract herein described.

(J) North 06° 46' 38" West, a distance of 78.89 feet to an angle point of the tract herein described.

(K) North 12° 07' 59" West, a distance of 182.79 feet to an angle point of the tract herein described.

(L) North 20° 50' 47" West, a distance of 105.74 feet to an angle point of the tract herein described.

(M) North 02° 02' 04" West, a distance of 184.50 feet to an angle point of the tract herein described.

(N) North 08° 07' 11" East, a distance of 102.23 feet to an angle point of the tract herein described.

(O) North 08° 16' 00" West, a distance of 213.45 feet to an angle point of the tract herein described.

(P) North 03° 15' 16" West, a distance of 336.45 feet to a point for the beginning of a non-tangent curve to the left.

(Q) Northerly along said non-tangent curve to the left having a radius of 896.08 feet, a central angle of 14° 00' 05", a chord of North 09° 36' 03" West – 218.43 feet, and an arc length of 218.97 feet to a point for the beginning of a non-tangent curve to the right.

(R) Northerly along said non-tangent curve to the right having a radius of 483.33 feet, a central angle of 19° 13' 34", a chord of North 13° 52' 03" East – 161.43 feet, and an arc length of 162.18 feet to a point for the northwesterly corner of the tract herein described.

(5) Thence, continuing over and across said City of Texas City Survey, and along the edge of fill along said Galveston Bay, the following fifteen (15) courses and distances:

(A) North 30° 45' 02" East, a distance of 189.03 feet to an angle point of the tract herein described.

(B) North 34° 20' 49" East, a distance of 174.16 feet to a point for the beginning of a non-tangent curve to the right.

(C) Northeasterly along said non-tangent curve to the right having a radius of 202.01 feet, a central angle of 25° 53' 37", a chord of North 33° 14' 58" East – 90.52 feet, and an arc length of 91.29 feet to a point for the beginning of a non-tangent curve to the left.

(D) Northeasterly along said non-tangent curve to the left having a radius of 463.30 feet, a central angle of 23° 23' 57", a chord of North 48° 02' 53" East – 187.90 feet, and an arc length of 189.21 feet to a point for the beginning of a non-tangent curve to the right.

(E) Northeasterly along said non-tangent curve to the right having a radius of 768.99 feet, a central angle of 16° 24' 19", a chord of North 43° 01' 40" East – 219.43 feet, and an arc length of 220.18 feet to an angle point of the tract herein described.

(F) North 38° 56' 50" East, a distance of 126.41 feet to an angle point of the tract herein described.

(G) North 42° 59' 50" East, a distance of 128.28 feet to a point for the beginning of a non-tangent curve to the right.

(H) Northerly along said non-tangent curve to the right having a radius of 151.96 feet, a central angle of 68° 36' 31", a chord of North 57° 59' 42" East – 171.29 feet, and an arc length of 181.96 feet to a point for the most northerly corner of the tract herein described.

(I) South 77° 14' 49" East, a distance of 131.60 feet to an angle point of the tract herein described.

(J) South 84° 44' 18" East, a distance of 86.58 feet to an angle point of the tract herein described.

(K) South 58° 14' 45" East, a distance of 69.62 feet to an angle point of the tract herein described.

(L) South 49° 44' 51" East, a distance of 149.00 feet to an angle point of the tract herein described.

(M) South 44° 47' 21" East, a distance of 353.77 feet to a point for the beginning of a non-tangent curve to the left.

(N) Easterly along said non-tangent curve to the left having a radius of 253.99 feet, a central angle of 98° 53' 23", a chord of South 83° 28' 51" East – 385.96 feet, and an arc length of 438.38 feet to an angle point of the tract herein described.

(O) South 75° 49' 13" East, a distance of 321.52 feet to the point of beginning and containing 393.53 acres (17,142,111 square feet) of land.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

SEC. 401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: \$116,116,000 Non-Federal: \$88,471,000 Total: \$204,587,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: \$16,700,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: \$15,580,000 Non-Federal: \$5,190,000 Total: \$20,770,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: \$220,200,000 Non-Federal: \$102,500,000 Total: \$322,700,000
5. AK	Little Diomed Harbor	Aug. 10, 2015	Federal: \$26,015,000 Non-Federal: \$2,945,000 Total: \$28,960,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: \$224,300,000 Non-Federal: \$269,000,000 Total: \$493,300,000
7. AK	Craig Harbor	March 16, 2016	Federal: \$29,062,000 Non-Federal: \$3,255,000 Total: \$32,317,000.

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed	Jun. 30, 2014	Federal: \$18,314,000 Non-Federal: \$9,861,000 Total: \$28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Citys	Jan. 27, 2015	Federal: \$207,036,000 Non-Federal: \$111,481,000 Total: \$318,517,000
3. KS	City of Manhattan	Apr. 30, 2015	Federal: \$15,440,100 Non-Federal: \$8,313,900 Total: \$23,754,000
4. TN	Mill Creek	Oct. 16, 2015	Federal: \$17,759,000 Non-Federal: \$10,745,000 Total: \$28,504,000
5. KS	Upper Turkey Creek Basin	Dec. 22, 2015	Federal: \$24,584,000 Non-Federal: \$13,238,000 Total: \$37,822,000
6. NC	Princeville	Feb. 23, 2016	Federal: \$14,001,000 Non-Federal: \$7,539,000 Total: \$21,540,000
7. CA	American River Common Features	Apr. 26, 2016	Federal: \$876,478,000 Non-Federal: \$689,272,000 Total: \$1,565,750,000
8. CA	West Sacramento	Apr. 26, 2016	Federal: \$776,517,000 Non-Federal: \$414,011,000 Total: \$1,190,528,000.

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Colleton County	Sep. 5, 2014	Initial Federal: \$13,733,850 Initial Non-Federal: \$7,395,150 Initial Total: \$21,129,000 Renourishment Federal: \$16,371,000 Renourishment Non-Federal: \$16,371,000 Renourishment Total: \$32,742,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
2. FL	Flagler County	Dec. 23, 2014	Initial Federal: \$9,218,300 Initial Non-Federal: \$4,963,700 Initial Total: \$14,182,000 Renourishment Federal: \$15,390,000 Renourishment Non-Federal: \$15,390,000 Renourishment Total: \$30,780,000
3. NC	Carteret County	Dec. 23, 2014	Initial Federal: \$24,263,000 Initial Non-Federal: \$13,064,000 Initial Total: \$37,327,000 Renourishment Federal: \$114,728,000 Renourishment Non-Federal: \$114,728,000 Renourishment Total: \$229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, Cape May County	Jan. 23, 2015	Initial Federal: \$14,040,000 Initial Non-Federal: \$7,560,000 Initial Total: \$21,600,000 Renourishment Federal: \$41,215,000 Renourishment Non-Federal: \$41,215,000 Renourishment Total: \$82,430,000
5. LA	West Shore Lake Pontchartrain	Jun. 12, 2015	Federal: \$466,760,000 Non-Federal: \$251,330,000 Total: \$718,090,000
6. CA	San Diego County	Apr. 26, 2016	Initial Federal: \$20,166,000 Initial Non-Federal: \$10,858,000 Initial Total: \$31,024,000 Renourishment Federal: \$68,215,000 Renourishment Non-Federal: \$68,215,000 Renourishment Total: \$136,430,000.

(4) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades	Dec. 23, 2014	Federal: \$976,375,000 Non-Federal: \$974,625,000 Total: \$1,951,000,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: \$12,782,000 Non-Federal: \$6,882,000 Total: \$19,664,000.

(5) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	Jun. 8, 2015	Federal: \$199,393,000 Non-Federal: \$107,694,000 Total: \$307,087,000.

(6) FLOOD RISK MANAGEMENT, ECOSYSTEM RESTORATION, AND RECREATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	South San Francisco Bay Shoreline	Dec. 18, 2015	Federal: \$69,521,000 Non-Federal: \$104,379,000 Total: \$173,900,000.

(7) ECOSYSTEM RESTORATION AND RECREATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River	Dec. 14, 2015	Federal: \$19,143,000 Non-Federal: \$10,631,000 Total: \$29,774,000
2. CA	Los Angeles River	Dec. 18, 2015	Federal: \$375,773,000 Non-Federal: \$980,835,000 Total: \$1,356,608,000.

(8) DEAUTHORIZATIONS, MODIFICATIONS, AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. TX	Upper Trinity River	May 21, 2008	Federal: \$526,500,000 Non-Federal: \$283,500,000 Total: \$810,000,000
2. KY	Green River Locks and Dams 3, 4, 5, 6 and Barren River Lock and Dam 1 Disposition	Apr. 30, 2015	Federal: \$0 Non-Federal: \$0 Total: \$0
3. KS	Turkey Creek Basin	May 13, 2016	Federal: \$97,067,750 Non-Federal: \$55,465,250 Total: \$152,533,000
4. KY	Ohio River Shoreline	May 13, 2016	Federal: \$20,309,900 Non-Federal: \$10,936,100 Total: \$31,246,000.
5. MO	Blue River Basin	May 13, 2016	Federal: \$34,860,000 Non-Federal: \$11,620,000 Total: \$46,480,000

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 114–790. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–790.

Mr. SHUSTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, strike lines 1 through 8.

Page 11, line 14, strike “and” at the end.

Page 11, line 16, strike the period at the end and insert “; and”.

Page 11, after line 16, insert the following:

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

Page 69, after line 17, insert the following:

SEC. ____ . COST SHARE REQUIREMENT.

The Secretary shall carry out the project for ecosystem restoration and recreation, Los Angeles River, California, as authorized by this Act, substantially in accordance with

the terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2015, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (121 Stat. 1074), the recommended cost sharing.

SEC. ____ . PUBLIC ACCESS.

(a) RECREATIONAL ACCESS PERMITTED.—The Board of Directors of the Tennessee Valley Authority may approve and allow the construction and use of a floating cabin on waters under the jurisdiction of the Tennessee Valley Authority if—

(1) the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board of Directors; and

(2) the Tennessee Valley Authority has authorized the use of recreational vessels on such waters.

(b) FEES.—The Board of Directors may levy fees on the owner of a floating cabin on waters under the jurisdiction of the Tennessee Valley Authority for purposes of ensuring compliance with subsection (a), so long as such fees are necessary and reasonable for such purposes.

(c) CONTINUED RECREATIONAL USE.—With respect to a floating cabin located on waters under the jurisdiction of the Tennessee Valley Authority on the date of enactment of this Act, the Board of Directors—

(1) may not require the removal of such floating cabin—

(A) in the case of a floating cabin that was granted a permit by the Tennessee Valley Authority before the date of enactment of this Act, for a period of 15 years beginning on such date; and

(B) in the case of a floating cabin not granted a permit by the Tennessee Valley Authority before the date of enactment of this Act, for a period of 5 years beginning on such date; and

(2) shall approve and allow the use of the floating cabin on waters under the jurisdiction

of the Tennessee Valley Authority at such time, and for such duration, as the floating cabin meets the requirements of subsection (a) and the owner of such cabin has paid any fee levied pursuant to subsection (b).

(d) NEW CONSTRUCTION.—The Tennessee Valley Authority may establish regulations to prevent the construction of new floating cabins.

(e) FLOATING CABIN DEFINED.—In this section, the term “floating cabin” means every description of watercraft or other floating structure primarily designed and used for human habitation or occupation and not primarily designed or used for navigation or transportation on water.

(f) SAVINGS PROVISION.—Nothing in this section restricts the ability of the Tennessee Valley Authority to enforce reasonable health, safety, or environmental standards.

SEC. ____ . TRIBAL DISPLACEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study related to any remaining Federal obligations to Indian people displaced by the construction of the Bonneville Dam, the Dalles Dam, or the John Day Dam on the Columbia River in Oregon and Washington.

(b) FACTORS.—The study shall include—

(1) a determination as to the number and location of Indian people displaced by the construction of the Bonneville Dam, the Dalles Dam, or the John Day Dam;

(2) a determination of the amounts and types of assistance provided by the Federal Government to Indian people displaced by the construction of such dams to the present; and

(3) a determination of whether and how much assistance is necessary to meet any remaining Federal obligations to compensate Indian people displaced by the construction of such dams.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. ____ . DROUGHT EMERGENCIES.

(a) AUTHORIZED ACTIVITIES.—With respect to a State in which a drought emergency is in effect on the date of enactment of this Act, or was in effect at any time during the 1-year period ending on such date of enactment, and upon the request of the Governor of the State, the Secretary is authorized to—

(1) prioritize the updating of the water control manuals for control structures under the jurisdiction of the Secretary that are located in the State; and

(2) incorporate into the update seasonal operations for water conservation and water supply for such control structures.

(b) COORDINATION.—The Secretary shall carry out the update under subsection (a) in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. ____ . GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an analysis of the President's budget requests for the Corps of Engineers Civil Works Program for each of fiscal years 2008 through 2017.

(b) CONSIDERATIONS.—The analysis to be submitted under subsection (a) shall evaluate—

(1) the extent to which there is geographic diversity among the projects included in such budget requests; and

(2) whether the methodologies used by the Corps of Engineers to calculate benefit-cost ratios for projects impact the geographic diversity of projects included in such budget requests.

Page 75, strike lines 9 and 10.

Page 75, strike lines 14 and 15 and insert the following:

(1) Project for flood damage reduction and environmental restoration, Hamilton City, California.

Page 75, line 23, strike “\$5,000,000,000” and insert “\$10,000,000,000”.

Page 78, line 17, strike “\$5,000,000,000” and insert “\$10,000,000,000”.

Page 92, after line 25, insert the following:

(c) INVENTORY.—In carrying out the update under subsection (a), the Secretary shall include an inventory of those lands that are not necessary to carry out the authorized purposes of the project.

Page 93, lines 14 and 15, strike “September 30, 2016, \$31,233,401” and insert “December 31, 2016, \$31,344,841.65”.

Page 106, strike line 6 and all that follows before line 7 and insert the following:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: \$116,116,000 Non-Federal: \$88,471,000 Total: \$204,587,000
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: \$16,700,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: \$15,580,000 Non-Federal: \$5,190,000 Total: \$20,770,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: \$220,200,000 Non-Federal: \$102,500,000 Total: \$322,700,000
5. AK	Little Diomed Harbor	Aug. 10, 2015	Federal: \$26,015,000 Non-Federal: \$2,945,000 Total: \$28,960,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: \$224,300,000 Non-Federal: \$269,000,000 Total: \$493,300,000
7. AK	Craig Harbor	Mar. 16, 2016	Federal: \$29,062,000 Non-Federal: \$3,255,000 Total: \$32,317,000
8. PA	Upper Ohio	Sep. 12, 2016	Federal: \$1,324,235,500 Non-Federal: \$1,324,235,500 Total: \$2,648,471,000

Page 109, strike line 1 and all that follows before line 2 and insert the following:

(4) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades	Dec. 23, 2014	Federal: \$976,375,000 Non-Federal: \$974,625,000 Total: \$1,951,000,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: \$12,782,000 Non-Federal: \$6,882,000 Total: \$19,664,000
3. WA	Puget Sound	Sep. 16, 2016	Federal: \$293,558,000 Non-Federal: \$158,069,000 Total: \$451,627,000

Page 110, before line 3, insert the following:

(8) HURRICANE AND STORM DAMAGE RISK REDUCTION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. LA	Southwest Coastal Louisiana	Jul. 29, 2016	Federal: \$2,011,280,000 Non-Federal: \$1,082,997,000 Total: \$3,094,277,000

Page 110, strike line 3 and all that follows through the end of the table following line 4 and insert the following: (9) DEAUTHORIZATIONS, MODIFICATIONS, AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. TX	Upper Trinity River	May 21, 2008	Federal: \$526,500,000 Non-Federal: \$283,500,000 Total: \$810,000,000
2. KY	Green River Locks and Dams 3, 4, 5, 6 and Barren River Lock and Dam 1 Disposition	Apr. 30, 2015	Federal: \$0 Non-Federal: \$0 Total: \$0
3. KS, MO	Turkey Creek Basin	May 13, 2016	Federal: \$97,067,750 Non-Federal: \$55,465,250 Total: \$152,533,000
4. KY	Ohio River Shoreline	May 13, 2016	Federal: \$20,309,900 Non-Federal: \$10,936,100 Total: \$31,246,000
5. MO	Blue River Basin	May 13, 2016	Federal: \$34,860,000 Non-Federal: \$11,620,000 Total: \$46,480,000
6. FL	Picayune Strand	Jul. 15, 2016	Federal: \$308,983,500 Non-Federal: \$308,983,500 Total: \$617,967,000
7. MO	Swope Park Industrial Area, Blue River	Jul. 15, 2016	Federal: \$20,205,250 Non-Federal: \$10,879,750 Total: \$31,085,000

The CHAIR. Pursuant to House Resolution 892, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment that I am offering makes technical and conforming changes to the Rules Committee print. Specifically, this amendment includes a provision to ensure homeowners can assess their property on TVA lakes.

This amendment includes a provision that ensures the appropriate cost share is carried out for the Los Angeles River chief's report we are authorizing in this bill specifically at the request of my colleagues on the other side of the aisle.

It also has a provision to have the Government Accountability Office carry out a study to determine what Federal obligations are required for tribal property affected by the construction of several dams on the Columbia River in Washington and Oregon.

It requires and expedites revisions to water control manuals in States in which drought has occurred in the last year.

Lastly, this amendment contains three chief's reports and two post-au-

thorization change reports that have been delivered to Congress since the Committee on Transportation and Infrastructure marked up the bill in May 2016.

I urge all Members to support my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. LAWRENCE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114-790.

Mrs. LAWRENCE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 7, strike “, or that” and insert “or gross negligence, or that”.

The CHAIR. Pursuant to House Resolution 892, the gentlewoman from Michigan (Mrs. LAWRENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. LAWRENCE. Mr. Chairman, I yield myself such time as I may consume.

My amendment would insert gross negligence as a reason for the Sec-

retary of the Army to accept and implement non-Federal funding to repair, restore, or replace faulty equipment.

According to the Cornell Law Dictionary, “gross negligence” is defined as a lack of care that demonstrates reckless disregard for the safety or lives of others.

I believe what happened in Flint, Michigan, is a good example of another reason that projects could require additional funding—gross negligence, gross negligence by individuals entrusted by the public to maintain and uphold the proper functioning of water programs.

Mr. Chairman, the tragedy that happened in my home State of Michigan, in Flint, where thousands of innocent citizens were poisoned by the negligence of the people they trusted to supply them with clean water shows the importance of this amendment.

Our primary responsibility as Members of Congress is to advocate for the best interest of our constituents. How can we say we are doing that when an entire city is suffering from the negligence of public figures who made bad decisions?

Residents and individuals affected by an emergency should not be penalized for negligent actions taken by those expected to do what is best for them. Moving forward, the careless actions of a few individuals should never result in

the public being endangered as a result of the Federal Government being unable to assist.

This amendment would ensure that the Secretary of the Army could quickly and efficiently use resources provided by non-Federal entities to assist in the maintenance of a defective project. This amendment would ensure just that. Gross negligence should never prevent citizens from receiving the funding necessary during their time of need.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

The CHAIR. The amendment is withdrawn.

AMENDMENT NO. 3 OFFERED BY MR. BABIN

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114-790.

Mr. BABIN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ . WORK DEFINED.

Section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408), is amended—

(1) by striking “It shall not be lawful” and inserting the following:

“(a) IN GENERAL.—It shall not be lawful”; and

(2) by adding at the end the following:

“(b) WORK DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘work’ means engineered structures that serve a particular function.

“(2) INCLUSIONS.—In this section, the term ‘work’ includes only structures of like kind with those identified in subsection (a).

“(3) EXCLUSIONS.—In this section, the term ‘work’ does not include—

“(A) the river channel as such, whether or not dredging is necessary to maintain navigational depths;

“(B) unimproved real estate; or

“(C) a particular feature or structure merely because the feature or structure is present within a Federal project.”.

The CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, I rise to offer this amendment to direct the Corps of Engineers to focus on the tasks that it can do, and should do, when it comes to section 408 reviews.

The Rivers and Harbors Act of 1899, enacted in the final days of the 55th Congress, first established the process we know today as a section 408 review, which I have here in my hand. The provision was intended to protect engineered structures built by the Corps that serve particular functions, such as seawalls, dikes, levees, and piers, by requiring the Corps of Engineers to authorize any requests for substantial work on these and similar assets.

Over time, however, the Corps has expanded its regulatory authority far beyond the scope of that statute. Specifically, the Corps now requires a review of any proposal for a physical modification or structure that touches a Corps project, even if it has no bearing at all on navigation or flood control. This has resulted in an overlay of additional administrative procedures, delays, and unnecessary costs.

In my district, at the Port of Houston, the Corps of Engineers is currently requiring users to go through the section 408 process, in addition to regulatory and real estate protocols, for access to dredge material placement sites. In plain English, this means that, for a small business to fill up a dump truck full of muck excavated from the bottom of a ship channel and carry it off somewhere else, they have to fully comply with the same section 408 review that would affect the 10-mile-long Galveston Seawall.

These projects, which have no direct impact on the Corps’ structures, are undertaken by private users, including many small businesses from the area who are investing in their facilities, expanding commerce and exports, and providing jobs and economic benefits to our State and the Nation.

The additional time and cost as a result of an unnecessary 408 process, which is borne entirely by private entities or non-Federal partners, delays and increases the cost of these critical projects.

My amendment reinforces the original intent of the Rivers and Harbors Act by focusing the Corps on actual navigation and flood control assets, allowing them to devote their full attention and resources to important safety evaluations and the expedited review and execution of project modification requests.

Mr. Chairman, since 1775, the Army Corps of Engineers has performed critical work, ensuring the safety and reliability of America’s ports and harbors. My amendment supports their mission and the good work they do by focusing their resources and attention where it belongs.

I urge a “yes” vote.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, section 408 authorizes the Secretary of the Army to grant permission for the alteration of the Corps project if the Secretary determines that the proposed alteration would not harm the public interest or impair the usefulness of the project.

I think it is good that we know that proposed modifications do not impair the usefulness of the project or harm the public interest.

□ 1800

Now, I share some of the concerns the gentleman has raised. The Corps is

woefully slow in going through these approvals. I have one pending in my own district; and, basically, they say there is not enough money in our budget, which was discussed rather exhaustively at the beginning here.

We could help the Corps out if we had a real harbor maintenance trust fund and if we were using the taxpayers’ dollars for the purposes for which they were intended, which would take the pressure off of all parts of the Corps’ budget. The Corps does have authority to accept—and I would hope the Corps would be listening to this—local contributions to speed up, with contractors or others or over time with their own employees, 408 projects. They have been loath to use that authority. They should use it.

I am not certain of the implications of this amendment as to whether it truly does protect the integrity of some of these critical projects, so that causes me concern. I think that this is worthy of attention, but in its current form, I am not quite certain of the impact.

Mr. Chairman, I reserve the balance of my time.

Mr. BABIN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I believe this is a good amendment. I support it. This amendment sets guidelines for the scope of work under the section 408 process, which has been misinterpreted by the Corps of Engineers. It takes years for this to be approved.

Mr. DEFAZIO just stood up and said he hopes the Corps is listening. I hope it is listening, too, but too many times they just don’t listen to us. They don’t take the direction that the Congress puts in front of them. They stonewall and drag their feet. Mr. BABIN’s amendment clarifies this, and I believe it is a good government reform amendment.

I thank the gentleman for offering it, and I urge all Members to support it.

Mr. BABIN. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR (Mr. CARTER of Georgia). The gentleman from Texas has 2 minutes remaining.

Mr. BABIN. Mr. Chairman, I want to say, for a private business entity to get muck off the bottom of a slip or a channel’s having to go through this, this is what this is all about.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. BABIN. Mr. Chairman, I urge the passage of my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BABIN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114-790.

Mr. BABIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ . AUTHORIZATION OF FEDERALLY MAINTAINED TRIBUTARY CHANNELS AS PART OF CHANNEL SYSTEM.

A project that has been assumed for maintenance by the Secretary under any authority granted by Congress shall—

(1) be treated as a project authorized by Congress; and

(2) be planned, operated, managed, or modified in a manner consistent with authorized projects.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, one of the great honors I have here in Congress is to represent four great ports—Orange, Beaumont, Cedar Bayou, and the biggest port in Texas and one of the largest in the world: the Port of Houston.

When America's astronauts who serve in space look out of their windows down at Houston, it is probably hard for them to make out their home away from home at Johnson Space Center; but what they can't miss is the scale and the strategic importance of the Port of Houston, which is right down the road from Johnson Space Center.

The Greater Houston area is the energy production and chemical manufacturing capital of the world, and the Port of Houston's ability to ship those goods is directly responsible for billions of dollars in economic activity and for hundreds of thousands of good-paying jobs in our State and across the country; but like the city of Houston itself, not all of the port's important channels, tributaries, and other navigation assets that fall under the purview of the Corps of Engineers are within the footprint of what was originally authorized by Congress.

Instead, many of these channels have been assumed for maintenance by the Corps of Engineers over the years. Each one has met the requirements of being environmentally acceptable, economically justified, and constructed in accordance with Federal permits and appropriate engineering and design standards.

This, in itself, is not a bad thing. In many cases, the construction or modification of the channels by non-Federal users has reduced the overall Federal cost and has provided for national economic benefits well before a Federal project could be accomplished. The downside is that channels which have been assumed for maintenance are not considered authorized projects. Therefore, while those channels are just as important as a federally constructed project, a channel which has been assumed for maintenance is treated quite differently from an authorized project

right next to it, which can disrupt the upkeep and the operations of both.

At this point, I will read from a letter that was sent to my office by the Port of Houston that describes how this issue came to its attention and why the passage of this amendment is so essential not only for our region, but for every port in this country.

"The Corps had long identified a navigation safety problem at the intersection of the Houston Ship Channel (HSC) and Bayport channel (the 'Bayport Flare') caused by its design and construction of the HSC, and promised to properly correct the safety deficiency. However, the Corps discovered that while it could construct the part of the corrective work which lay within the boundaries of the Houston Ship Channel, it could not construct the second part of the solution within the Bayport ship channel because the Bayport channel was not considered 'authorized' by Congress, but only assumed for maintenance after construction. . . . The Corps agreed that the Bayport assumption of maintenance was conducted in accordance with laws providing authority to the Secretary of the Army to accept qualifying work, and that PHA met all design, environmental, and economic requirements of a channel as if it were designed and constructed by the Corps. The Bayport Flare deficiency exposed a serious shortcoming, whereby the federal government was unable to make a necessary navigation safety correction resulting from a deficient federal design because it could only fix what it has physically constructed—and not within channels it had managed and operated for decades."

I include in the RECORD the full content of this letter.

PORT OF HOUSTON AUTHORITY,
Houston, Texas, September 23, 2016.

ATTN: Ben Couhig.

Subject: Recommended Provision in WRDA 2016

Congressman BRIAN BABIN,
Washington, DC.

DEAR MR. COUHIG: As Congress prepares to address the nation's water resources requirements this year, the Port of Houston Authority informed Congressman Babin of the inability of the U.S. Army Corps of Engineers to consistently and adequately work to construct and manage federal navigation channels, in part because authorities to do so and supporting policies are limited. As a result, the Port Authority offered the following recommendation:

Authorization of Federally Maintained Tributary Channels as Part of a Channel System

At the appropriate place in the bill, insert the following:

"Projects which have been assumed for maintenance by the Secretary of the Army under any authority granted by Congress shall be considered projects authorized by Congress, and shall be planned, operated, managed, or modified in a manner consistent with authorized projects."

The need for this language became very clear to the Port Authority as we constructed modification of the Bayport Ship Channel. The Corps had long identified a navigation safety problem at the intersec-

tion of the Houston Ship channel (HSC) and Bayport channel (the "Bayport Flare") caused by its design and construction of the HSC, and promised to properly correct the safety deficiency. However, the Corps discovered that while it could construct the part of the corrective work which lay within the boundaries of the Houston Ship Channel, it could not construct the second part of the solution within the Bayport ship channel because the Bayport channel was not considered "authorized" by Congress, but only assumed for maintenance after construction by PHA. The Corps agreed that the Bayport assumption of maintenance was conducted in accordance with laws providing authority to the Secretary of the Army to accept qualifying work, and that PHA met all design, environmental, and economic requirements of a channel as if it were designed and constructed by the Corps. The Bayport Flare deficiency exposed a serious shortcoming, whereby the federal government was unable to make a necessary navigation safety correction resulting from a deficient federal design because it could only fix what it has physically constructed—and not within channels it had managed and operated for decades.

The Houston Ship Channel system includes four tributary channels: Bayport, Barbours Cut, Jacintoport, and Greens Bayou, all of which were constructed by or operated by the Port Authority prior to federal assumption of maintenance. Should a navigation safety problem occur on any of these channels for any reason, the federal government would be unable to restore safe navigation without Congressional action—which might not be possible under current rules.

In summary, the Corps of Engineers needs the authority to provide for safe navigation for all of its channels; this recommended provision provides for that authority.

Sincerely,

MARK VINCENT.

Mr. BABIN. Mr. Chairman, my amendment provides a solution by putting channels which have been assumed for maintenance on equal footing with those that have been authorized, thus eliminating the distinction without a difference that currently exists to streamline the process and prevent these unnecessary, bureaucratic hang-ups from delaying critical safety and navigation work where it is needed the most.

I urge a "yes" vote on my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, there are 1,100 harbors that this would apply to across the United States. We have already discussed at great length the fact that the Corps has a \$2.4 billion backlog of O&M under existing authority and, after today, a \$74 billion backlog of authorized but unconstructed projects.

I understand the gentleman's concerns, and he is being a great advocate for his home port; but I would direct a question to the gentleman if, perhaps, he can answer it: With 1,100 ports in America, how many other ports are in

a similar situation? And what would the cost be to the Corps, which already has a \$2.5 billion backlog in O&M?

Mr. Chairman, I yield to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Chairman, I can't answer that specifically, but I do know that, even when there is funding available, they are still unable to solve a problem that could be a serious safety deficiency.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I understand the gentleman's concern. If I could, I would direct another question to the gentleman.

Earlier the gentleman might have heard discussion about our collecting an ad valorem tax on the value of imported goods, which is about \$1.6 billion a year; yet we are only spending somewhere between \$1 billion and \$1.1 billion a year. There is a theoretical balance in the nonexistent harbor maintenance trust fund of \$9.8 billion, which would go a long way to resolving lots of these problems across the country.

Does the gentleman support the idea of creating a real trust fund and actually spending the taxes that are collected for harbor maintenance on harbor maintenance and not having them be frittered away somewhere else in the government?

Mr. Chairman, I yield to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Chairman, absolutely. In the right way, I certainly would support that.

Mr. DEFAZIO. Reclaiming my time, I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. BABIN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. Chairman, I support this amendment that allows channels assumed for maintenance to be considered equally as authorized projects. Of course, we are dealing specifically with the Port of Houston on this; so I would encourage all Members from the Houston area on both sides of the aisle to support this amendment, which will improve the bill. Supporting this amendment is important.

Also, to those Members from the Houston area on both sides of the aisle, this is something that is going to be good for their port, and the underlying bill is going to be good for their port in the long run.

I think it is a fairness amendment, and I thank the gentleman for offering it. I urge a "yes" vote.

Mr. BABIN. Reclaiming my time, I thank the chairman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MRS. BLACK

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114-790.

Mrs. BLACK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ DAM SAFETY REPAIR PROJECTS.

The Secretary shall issue guidance—

(1) on the types of circumstances under which the requirement in section 1203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 467n(a)) relating to state-of-the-art design or construction criteria deemed necessary for safety purposes applies to a dam safety repair project;

(2) to assist district offices of the Corps of Engineers in communicating with non-Federal interests when entering into and implementing cost-sharing agreements for dam safety repair projects; and

(3) to assist the Corps of Engineers in communicating with non-Federal interests concerning the estimated and final cost-share responsibilities of the non-Federal interests under agreements for dam safety repair projects.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Tennessee (Mrs. BLACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Mr. Chairman, I rise to offer an amendment that will improve cost sharing for dam safety repairs and will promote transparency at the Army Corps of Engineers. To start, let me tell you about how this issue has impacted my district.

Recently, the Corps of Engineers executed a dam repair project in Tennessee's Center Hill Lake. That is all well and good, as we like to keep our dams and our waterways up to code; but the problems came when the Corps failed to communicate to localities in my district as to how the dam repair project would be classified and, therefore, what their financial responsibilities would be.

Federal statute says that the Army Corps of Engineers can designate dam projects as being in one of two categories: "safety assurance" or "major rehabilitation." If the project is classified as a safety assurance, the costs to the utility providers, townships, and other stakeholders may be minimal; but if the project is classified as a major rehabilitation, you could have a scenario like what occurred in my district, in which the town of Cookeville, Tennessee, is now on the hook for a \$1.5 million repair bill that they had not budgeted for because they had never been told to do so.

You know how this story ends, Mr. Chairman. The city has to pass along those costs to someone. So my constituents in Cookeville could be paying higher water bills for the foreseeable future all because the Corps of Engineers wouldn't be up front with them about what they would owe.

This story is not unique. A December 2015 GAO report studied nine different dam projects nationwide and found that, across the board, the Corps did very little to communicate to local communities what their cost-sharing responsibilities would be. The report further found that, in some instances, the Corps had failed to apply a provision known as the state-of-the-art provision that reduces the sponsors' share of the costs in these projects. That means, Mr. Chairman, that communities like Cookeville, in my district, may have been on the hook for bills they never would have needed to have paid if only the Corps had been transparent and had followed the rules.

Mr. Chairman, I may not be able to get Cookeville or the other communities that are cited in the GAO report their money back, but I can make sure that this never happens again. That is really what my amendment seeks to do. In short, this amendment directs the Army Corps of Engineers' district offices to effectively communicate with the sponsors and to implement cost-sharing agreements during dam safety repair projects, not afterwards. It will ensure that these arrangements are shared with all stakeholders so that in others' towns and in my town they aren't left holding the bag.

I urge a "yes" vote on my amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1815

Ms. EDWARDS. Mr. Chairman, I claim the time in opposition to the amendment, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Maryland is recognized for 5 minutes.

There was no objection.

Ms. EDWARDS. Mr. Chairman, I come to the floor today because it does seem that this amendment and the others that are being offered underscore a problem that I didn't think we were going to have with the reauthorization of the Water Resources Development Act. We have spent quite a bit of time in our Transportation and Infrastructure Committee under the leadership of the chairman trying to come to some common understanding and bipartisan agreement about this. Unfortunately, that is not where we are today.

In my view, water transportation and infrastructure has always been a bipartisan priority in the country. I agree with the comments of some of my colleagues that moving forward with a bipartisan bill is vital to the public health, the safety, and the economic welfare of our communities and this Nation.

I have the distinct honor of being able to represent Maryland in Congress. I know how important this bill is to our State since we have such a long coastline, the Chesapeake Bay; and several of its tributaries, including the Anacostia, the Severn River, and the

Potomac, all flow through the Fourth Congressional District, all requiring support under the Water Resources Development Act. These resources provide billions of dollars of economic activity for our State. Maintaining and modernizing Maryland's waterways and its ports, including the Port of Baltimore, is essential.

Unfortunately, we reported a bill out of the Transportation and Infrastructure Committee in May that focused on such authorization and on Corps compliance with the new project selection process that was created in the 2014 law. Under that law, as well, we would have been able to allow the Corps, beginning in 2027, to use the funds collected in the harbor maintenance trust fund for eligible harbor dredging and other activities, removing those expenditures from the annual appropriations process.

Very sadly—and as we heard today here on the floor—by dropping the trust fund language, Republicans have effectively undermined the measure by removing a key provision that originally created bipartisan support for the bill. This is really a sad moment, indeed, because now, yet again, money that should be used for our harbors and our ports is being used in a trust fund as a piggy bank for completely unrelated spending. These kinds of spending restrictions have created a large surplus in the trust fund, even as critical harbor dredging needs go unmet.

I rise today in opposition to the bill, unfortunately. It is a bill I thought I would actually be able to come to the floor and support with the chairman's leadership.

Unfortunately, we are also not able to include in our House bill aid for the Flint water crisis: \$100 million to repair and replace the city's drinking water infrastructure, \$20 million in loan forgiveness for prior Flint city loans taken out to build its water infrastructure, and \$50 million for various public health activities. That is what the Senate did. It is what we could have done, and it is unfortunate that we could not do this here today.

I hope that before we leave out of this Congress in the lameduck session, which we anticipate later after the election, that we are going to be able to find a resolution to these problems that indeed cross the aisle.

Again, as I said, I am not in opposition to the gentlewoman's amendment, but I think that it is really important for us to understand and underscore that where we should be here is with the bipartisan bill that we agreed to in May in our committee. It is really unfortunate that we find ourselves once again lining up in partisan lines and not able to support a harbor maintenance trust fund for the use of the money for which it was intended, and that is to maintain and upgrade our Nation's ports and harbors.

I reserve the balance of my time.

Mrs. BLACK. Mr. Chairman, I yield such time as he may consume to the

gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Transportation and Infrastructure Committee.

Mr. SHUSTER. Mr. Chairman, I thank the gentlewoman for bringing this important amendment to the floor. It does several things. The first thing it does is it directs the Corps of Engineers, as the gentlewoman pointed out, to just communicate, to give direction to the folks that are involved in these projects.

We keep spinning our wheels in these projects. We are spending more money than we have to, and this highlights a problem that we face with the Corps.

Again, this amendment establishes and implements cost-sharing agreements during the dam safety repair projects. Of course, it makes all parties involved communicate so we can get these projects moving forward, so I think it is a good governance amendment.

I urge all Members to support this amendment.

Ms. EDWARDS. Mr. Chairman, I yield back the balance of my time.

Mrs. BLACK. Mr. Chairman, I think it is pretty clear what this amendment does. I do want to say that we have worked with the Corps of Engineers, which helped us to draft this amendment. I urge a "yes" vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BLUM

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114-790.

Mr. BLUM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ EXPEDITED COMPLETION OF AUTHORIZED PROJECT FOR FLOOD RISK MANAGEMENT.

The Secretary shall expedite the completion of the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by item 3 of the table in section 7002(2) of the Water Resources Development Act of 2014 (Public Law 113-121; 128 Stat. 1366).

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Iowa (Mr. BLUM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BLUM. Mr. Chairman, that I am speaking on the floor of the U.S. House is remarkable timing. The city of Cedar Rapids, the largest city in my district, is currently experiencing major flooding of the Cedar River, cresting 11 feet above flood stage today.

In 2008, just 8 short years ago, the same river crested at over 19 feet above

flood stage. Yes, you heard that correctly, 19 feet above flood stage.

I was in Cedar Rapids this weekend sandbagging alongside volunteers to prepare for this disaster and saw firsthand the amazing response from the community as thousands of eastern Iowans came together to protect their city. I want to thank Cedar Rapids Mayor Ron Corbett and his team for their tireless work to prepare the city for the flooding, as well as the administration of Governor Branstad for their assistance.

Today's flooding further underscores the need for the administration to include the Cedar Rapids flood project in their budget. This project was approved by Congress in the 2014 WRRDA bill, and my amendment today calls on the administration to expedite this project. Cedar Rapids has spent untold millions of dollars on this disaster—money spent on a short-term solution—while the city waits for the administration to release the approved funding for the long-term fix.

Since taking office in 2014, I have worked hard to get the authorized funding released, joining my colleague from Iowa, Representative LOEBACK, in reaching out to the Army Corps of Engineers, the House Appropriations Committee, President Obama, and his Office of Management and Budget, stressing the importance of this project.

The bottom line is: How many more Cedar Rapids floods will it take before the administration includes this project in their budget? How many times will families have to evacuate their homes? How many times will businesses have to cease their operations? How many times will employees be negatively impacted by the flooding? How many times must this happen before the administration includes this project in their budget?

Mr. Chairman, I thank the entire Iowa delegation for their support on this issue. I encourage my colleagues to support this bipartisan amendment and make it clear, once again, that Congress believes the Cedar Rapids flood project should receive the funding that was approved in 2014.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Iowa for bringing this good, bipartisan amendment to the floor. I have seen the pictures on TV of what is happening out there in Cedar Rapids, and our thoughts and prayers are with that community out there tonight as they fight that challenge.

Again, this amendment, as the gentleman explained, expedites the Cedar River project. I think this infrastructure project getting done quicker is

important. I have always supported getting these things done faster because I believe time is money. The longer these things go, the more expensive they get. This amendment goes a long way into making sure that this project is pushed out there faster and it gets done. So I appreciate my colleague from Iowa for bringing this. I urge a "yes" vote.

I yield back the balance of my time. Mr. BLUM. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BLUM).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. BOST

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114-790.

Mr. BOST. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1. REVIEW OF BENEFITS.

When reviewing requests for repair or restoration of a flood risk management project under the authority of section 5(a)(1) of the Act of August 18, 1941, (33 U.S.C. 701n(a)(1)), the Army Corps of Engineers is authorized to consider all benefits to the public that may accrue from the proposed rehabilitation work, including, flood risk management, navigation, recreation, and ecosystem restoration.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Illinois (Mr. BOST) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. BOST. Mr. Chairman, I thank Chairman SHUSTER for helping with the effort on this amendment.

The purpose of my amendment is simple. I believe that the Army Corps of Engineers should consider all potential economic benefits of repairing levees following a flood disaster. Right now, the Corps may only consider flood prevention when allocating rehabilitation assistance of levees. This makes no sense.

The Corps manages inland waterways for a multitude of purposes. In many cases, Federal and non-Federal levees work together in an integrated system. How can we ignore the benefits of repairing a levee when doing so would improve navigation and other Corps responsibilities along with it?

The repair of the Len Small Levee in Alexander County, Illinois, is just one example of our failing to see the forest for the trees. The levee was breached in last winter's floods. Millions have been spent on riprap to maintain navigation on the river. Even more money will be needed to maintain navigation if further flood damage occurs. Despite that fact, the Corps has ignored the navigation benefits and costs of making interim repairs.

My amendment helps address this issue, but further reforms to the Corps

levee repair program must be made. I hope to work with the chairman and ranking member to address these issues with the programs in future legislation.

I encourage a "yes" vote on this piece of legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. BOST).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 8 will not be offered.

AMENDMENT NO. 9 OFFERED BY MR. DOLD

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114-790.

Mr. DOLD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1. FEDERAL COST LIMITATION OF ECOSYSTEM RESTORATION COSTS FOR CERTAIN PROJECTS.

Section 506(c) of the Water Resources Development Act of 2000 is amended by adding at the end the following:

"(5) A project carried out pursuant to this subsection may include compatible recreation features as determined by the Secretary, except that the Federal cost of such features may not exceed 10 percent of the ecosystem restoration costs of the project."

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Illinois (Mr. DOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DOLD. Mr. Chairman, I rise today in support of my amendment to H.R. 5303.

Imagine for a moment, Mr. Chairman, spending millions of dollars on wetlands restoration without allowing people to visit these areas. Unfortunately, that is exactly what we are asking the Army Corps of Engineers to do with projects that are funded by the Great Lakes Fishery and Ecosystem Restoration program, or GLFER.

GLFER is a program for improving aquatic habitats and the Great Lakes watershed. Through a partnership between the Army Corps of Engineers, the Great Lakes Fishery Commission, and State and local government, funds are made available for restoring wetlands and preservation of coastal habitat along the Great Lakes shorelines.

Individual projects require a non-Federal partner—like a State, local government, or nonprofit—to contribute at least 35 percent of the project costs to operate and maintain the completed project.

In my district, GLFER funds have been used to restore wetlands along the Lake Michigan shoreline at Fort Sheridan, and nearby they have been used to restore wetlands on Northerly Island right in the heart of downtown Chicago.

Mr. Chairman, this is about ensuring parity. Every other wetland restora-

tion program within the Army Corps of Engineers is allowed to use up to 10 percent of the funds for any project for compatible recreation features. GLFER-funded projects are unique in that the Army Corps is not allowed to use funds for that purpose. My amendment would simply change that policy.

□ 1830

Very simply, my amendment will allow the Army Corps of Engineers to use GLFER funds, not to exceed 10 percent of the total project amount, to build complimentary recreation features like walking trails, bike paths, fishing stations, picnic shelters, and benches.

Mr. Chairman, I represent a district along Lake Michigan, one of the greatest natural resources our Nation possesses. My amendment would expand outdoor recreation opportunities and give families access to enjoy these restored wetland areas. I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. DOLD).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114-790.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. . NON-FEDERAL INTEREST SELECTION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in carrying out an authorized and funded water resources development project, the Secretary shall solicit and accept bids from non-Federal interests. If a non-Federal interest can demonstrate greater cost effectiveness and project delivery efficiency than the Corps of Engineers for such project, the Secretary shall transfer the funds to the non-Federal interest for project completion.

(b) SAVINGS.—Funds saved in project delivery by a non-Federal interest under subsection (a) shall be used as follows:

(1) 20 percent for deficit reduction.

(2) 80 percent for other projects of the Army Corps of Engineers.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, the ranking member was talking earlier about this extraordinary backlog of projects that we have within the United States Army Corps of Engineers to carry out important projects like flood protection, hurricane protection, and ecological restoration.

We do, in fact, have a backlog that goes on for years and years. In fact, as I mentioned earlier, it takes us, in many cases, over 40 years to take a project from development through the construction phase. These are critical projects that, in many cases, save people's lives.

Just recently in the State of Louisiana, we had an extraordinary flood event. Thirteen people lost their lives as a result of that event, yet there was a project, the Comite project, that could have tempered flooding in many of these areas. What our amendment does is it simply allows for non-Federal sponsors to bid to carry out the construction or other aspects of projects. It is a way to save money to expedite delivery.

In my previous job, Mr. Chairman, I actually was the non-Federal sponsor for billions of dollars in projects with the United States Army Corps of Engineers. There were a number of examples where we were able to build the entire project for the one-third, or approximately one-third, cost-share estimate that the United States Army Corps of Engineers estimated the project was to cost, and we were able to do it in a fraction of the time.

What this does, it allows for the non-Federal sponsor to carry out the project. It returns 20 percent of the cost savings back to the United States Treasury for deficit reduction, and it takes 80 percent of the cost savings and reinvests it back into priority Corps of Engineers' projects.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would like to ask the author, it seems to me that if we are going to transfer responsibility for carrying out projects from the Corps of Engineers—these would be, again, taxpayer dollars—would these projects be covered by the provisions of Davis-Bacon?

Mr. GRAVES of Louisiana. Will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Louisiana.

Mr. GRAVES of Louisiana. I thank the gentleman. Right now, as the provision is written, as you know, it is silent on that issue, and so it doesn't address the Davis-Bacon issue, as I am aware the Corps of Engineers would be complying with.

Mr. DEFAZIO. Reclaiming my time, well then, you know, given that, I mean, we have had myriad debates on the floor of the House and in the committee over the years from those who come in and say: gee, we can do it a lot cheaper if we pay minimum wage; we can do it a lot cheaper if we bring in illegal immigrants; you know, on and on and on.

Sure, you can do things more cheaply, but the idea and the bedrock of

Davis-Bacon is we pay skilled workers a living wage that is the prevailing wage in the local area. The committee has never passed an amendment gutting Davis-Bacon, despite many attempts on the committee. I feel that this would, unfortunately—the way the gentleman has just phrased it, says it is silent on the issue—undermine Davis-Bacon, and, therefore, I would oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GRAVES of Louisiana. Mr. Chairman, I am going to go back and say what I said before. In previous projects that I have worked with in the United States Army Corps of Engineers, we have been able to save Federal taxpayers tens of millions of dollars, cumulatively hundreds of millions of dollars by carrying out the projects through the non-Federal sponsor, allowing for county governments, parish governments, State governments, levee districts, water boards, and others to carry out projects.

If we are able to demonstrate greater efficiency and taxpayer cost savings, why would we not allow for that mechanism to carry out these projects? It expedites delivery of projects. These are critical projects.

Mr. Chairman, I want to reiterate, in the State of Louisiana, in the flood we just had last month, we had 13 people die because of a project that has been in the Corps of Engineers process for 30 years; 30 years, Mr. Chairman.

I really wonder what someone who would oppose this amendment would tell the families of those people who died as a result of the Corps' inaction. This is absolutely inappropriate. We have a way to save taxpayer dollars, to reduce the deficit, and to free up more resources for high-priority Corps of Engineers projects and make our communities and our ecosystem more resilient.

Mr. Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114-790.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ . LOCAL FLOOD PROTECTION WORKS.

(1) IN GENERAL.—Permission for alterations by a non-Federal interest to a Federal levee, floodwall, or flood risk management channel project and associated features may be granted by a District Engineer of the Department of the Army or an authorized representative.

(2) TIMELY APPROVAL OF PERMITS.—On the date that is 120 days after the date on which the Secretary receives an application for a permit pursuant to section 14 of the Act of March 3, 1899 (commonly known as the "Rivers and Harbors Appropriation Act of 1899") (33 U.S.C. 408), the application shall be approved if—

(A) the Secretary has not made a determination on the approval or disapproval of the application; and

(B) the plans detailed in the application were prepared and certified by a professional engineer licensed by the State in which the project is located.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, what this amendment does is it simply puts a cap on the amount of time that the United States Army Corps of Engineers can consider permission under section 408. This process has to do with alteration, any changes, or impacts that could occur to a Corps of Engineers project.

I want to be clear, this doesn't expand the Corps of Engineers' authority in any way. All this does is it simply puts a cap, a time certain. Here is the reason why, Mr. Chairman. In the State of Louisiana, we have lost 1,900 square miles of our coast, 1,900 square miles of wetlands, some of the most ecologically productive areas on the North American continent. We have lost that.

Part of the remedial efforts that Congress has authorized and we have been waiting decades for the United States Corps of Engineers to act upon are projects to reconnect the river system with the adjacent estuary. That is how south Louisiana was built. It is a product of the Mississippi River. It is a deltaic plain.

These projects are strongly supported by the environmental community and others, yet the Corps of Engineers has said that it is going to take them years to consider this impact or not on the levee system. So we are going to sit here and wait years for more wetlands to erode, and for more of our environment and more of our ecological productivity to degrade. This puts a time certain. It gives 120 days for the Corps of Engineers to make a decision on whether or not there are impacts to the project. It allows us to move forward in a time certain.

Mr. Chairman, a quick story. When I was working on these projects for the State, the Corps of Engineers came to us on the first one we submitted, and

they said: It is going to take us approximately 3 years to come back and give you an answer on that. Three years, Mr. Chairman, that we are waiting to, again, carry out projects to restore the environment. But they said: However, if you give us—and I think the number was \$1.5 million, we will reduce that time to closer to 2 years.

Mr. Chairman, in the private sector, that is called a bribe. In the United States Army Corps of Engineers, I guess it is the status quo. It is absolutely inappropriate. We have got to have time certain. They shouldn't be able to extort dollars out of project sponsors just to carry out projects to restore the environment and mitigate impacts caused by the United States Army Corps of Engineers.

Mr. Chairman, I urge adoption of the amendment. This is consistent with things we have done in the past in terms of giving a time certain for consideration.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114-790.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ . FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

The Secretary shall expedite carrying out the projects listed under paragraphs (29) through (33) of section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) and is authorized to proceed to construction on such any such project if the Chief of Engineers determines the project is feasible.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, beginning around August 11, we had a 1,000-year flood event. This flood event was approximately 7 trillion gallons of water. It dropped 31 inches of rain in some of the peak areas that is the national average annual rainfall. We received it in about 36 hours in some of the peak areas. Again, to translate this for my Yankee friends, if this were snow, this would have been about 25 feet of snow. So, really, just an extraordinary event.

Mr. Chairman, what has happened is that there were projects that date back to the 1970s and the 1980s that provided for flood protection for this region. We had 13 people who died. We have over 100,000 homes that were flooded. Areas

like the Comite Basin and the Amite Basin are priority areas. I want to say it again. These are areas that have projects that have been authorized by Congress previously in the 1970s, the 1980s, and I believe even the 1990s, yet projects that have been moving at a snail's pace. So what this amendment does is it simply expedites the delivery of these projects.

Mr. Chairman, this is critical. Let me explain why. Right now, you have communities like Denham Springs where FEMA just came out and determined that 45 percent of the homes in that town are significantly flooded with significant damage. What that means is that they are going to have to now comply with the updated base flood elevations and, in some cases, lift the slabs of their homes, which may be \$100,000 or more per home, per business, just to now come into compliance with the new base flood elevations to be able to rebuild their homes.

This is on top of the perhaps \$80,000 they are going to have to spend rebuilding their home, \$40,000 they are going to have to spend replacing their vehicles, and perhaps \$50,000 replacing their clothes and other contents of their homes. It makes it absolutely unaffordable.

We have got to provide certainty. By expediting projects that were previously authorized, Mr. Chairman, we can eliminate the need for many of these homeowners to have to elevate their homes, and provide financial certainty and a path forward for these folks to actually be able to get back in their homes and recover our communities from what is believed to be the fourth most expensive flood disaster in United States history.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition to raise a question.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would ask the gentleman—he has stated they are authorized. On this side, there is some confusion. Have these gone through a study and then the chief has submitted a report to us? Is that what we are doing is ratifying a Chief's Report, which is the process to be followed in this bill so as not to have earmarks? Or are these at an earlier stage, where they haven't had a Chief's Report, and, therefore, we are now about to authorize projects that are specific without following the procedures that everyone else has had to go through?

I understand what has happened is a tragedy there, but there are other places where there have been floods and other people might want to say: Well, gee, we don't have a report yet either, but we want to authorize something right now.

Can the gentleman tell me, do we have the Chief's Report, or is what has been authorized just a study which isn't yet completed?

Mr. SHUSTER. Will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I will answer that. We believe the projects are already authorized. Back in 2007, in 33 United States Code section 2332(i)(2), it states there that "all studies and projects carried out under this section from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection."

We believe that these are one of the projects cited in that. We believe these have been authorized.

□ 1845

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, the chairman is saying that this is consistent with all of the other projects in this bill, except perhaps the earmark project for Texas, which was earmarked in an appropriations bill.

I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, yes, we believe it is. Prior to 2007, these projects were authorized. So, under that law, these things are authorized. They are not earmarked.

Mr. DEFAZIO. Mr. Chair, I yield back the balance of my time.

Mr. GRAVES of Louisiana. Mr. Chairman, I would just like to follow up on the chairman of the committee's comments.

The 2007 cite that Chairman SHUSTER referenced goes back to actually a WRDA 1999 provision. I believe it is section 212 of WRDA 1999 that actually provides the study and project implementation authorization. The 2007 language that was cited amends the 1999 language. So these projects were previously addressed by Congress.

I want to say it again, Mr. Chairman. We have a backwards policy in regard to Federal disasters where we come in and spend billions of dollars after a disaster instead of spending millions of dollars before, making our communities more resilient.

I am going to say it again. Thirteen people died here. We have incredible financial uncertainty and folks' inability to get back in their homes because they may be faced with a \$100,000 or more cost to elevate these slabs to come into compliance with the new base flood elevation. By expediting these projects, we can eliminate that financial uncertainty and we can get people back in their homes and restore our community as quickly as possible.

I urge adoption of the amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. LONG

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114-790.

Mr. LONG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:
SEC. ____ TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(1) shall include a 60-day public comment period for a Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and

(2) shall not finalize a revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 5-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.—During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall—

(A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those fees and achieve cost savings; and

(B) submit to Congress a report on the results of the study described in subparagraph (A).

(2) REQUIREMENT.—The Secretary shall complete the study under paragraph (1)(A) before adopting any revision to the Table Rock Lake Shoreline Management Plan.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Missouri (Mr. LONG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LONG. Mr. Chairman, Table Rock Lake, near Branson, Missouri, is one of the premier destinations in the Ozarks, especially for my constituents in the Seventh Congressional District.

The Army Corps of Engineers is currently undertaking a revision of the lake's Shoreline Management Plan and has in place a moratorium on dock permits to halt development around the lake.

What this means is, if you purchased a home or land in this area with the hopes of putting in a dock, you can no longer do so. If you already have a dock and it needs to be updated, you can't even update it.

I have met with the Corps and the lake community throughout this process, and the overwhelming consensus from my constituents is that their voices are not being heard on this issue that will have far-reaching effects for those living on the lake and for its economy.

My amendment would extend the public comment period to ensure that those directly impacted by the shoreline plan will have a say in it. My amendment also lifts the moratorium on dock permits and extends the timeframe of the final plan to ensure that the Corps has enough time to incor-

porate the community's concerns into its updated plan.

I am proud to work with Senator BLUNT and Chairman SHUSTER on this commonsense issue. I urge my colleagues to support my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LONG).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114-790.

AMENDMENT NO. 15 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 114-790.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1 ____ ADJUSTMENT TO COST BENEFIT RATIO.

For any navigation project carried out by the Army Corps of Engineers with non-Federal funds, the Secretary may, after completion of any portion of the authorized project, adjust the authorized benefit cost ratio.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment. It does make an adjustment to the benefit-cost ratio for any navigation project carried out by the Army Corps of Engineers with non-Federal funds.

This gives the Secretary, after the completion of any portion of the authorized projects, the ability to adjust the authorized project's benefit-cost ratio.

Unfortunately, we have some projects with elongated channel configurations, where the terminals are located at the end of the line, and they are significantly disadvantaged when competing for Federal funding because the cost of these projects has escalated, lowering the benefit-cost ratio to below the threshold required by OMB for budgetary purposes.

This amendment would provide discretionary authority to the Secretary to revise the benefit-cost ratio after completion of portions of the projects with non-Federal funds. Remaining portions of the project could be eligible to compete for Federal funding based on a revised benefit-cost ratio.

This amendment does not guarantee any Federal funding to any project, but is simply a path forward to enable projects to be in a position to fairly compete for Federal funding.

The authority could be applicable to any authorized navigation project which is placed at a competitive disadvantage due to the configurations, again, of the shipping channel.

The amendment builds upon the reforms that we were able to put in the WRRDA bill of 2014, which streamlines some of the Corps' processes. It also provides flexibility to adapt to local initiatives and maximizes the ability of non-Federal interests to more fully participate in project development and ultimately reduce Federal costs.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I will be brief. I understand the gentleman's frustrations, and on its surface, it is a great idea. The problem is, unless things are reformed at the Office of Management and Budget, the trolls under the bridge with the green eye shades who have way too much clout here in Washington, D.C., and are invisible, this will empower them further, potentially. They rank projects according to cost effectiveness.

So you can essentially move your project up if you can afford to put more money in it and it will jump ahead of other projects which were higher-ranked, cost-effective projects, but OMB is going to choose the one at the top, which will empower communities that can afford to contribute more and perhaps perpetually push communities that can't afford to contribute more than their regular share to the bottom of the heap, never to be funded.

Of course, I already talked about the backlog of now \$74 billion of authorized unfunded projects while we still misspend the trust fund moneys on other parts of the government. That, of course, was subject to earlier debate where the Republicans stripped that out of the bill, which would have helped deal with some of these problems.

Mr. Chairman, I yield back the balance of my time.

Mr. MICA. Mr. Chairman, I think it will save money and actually benefit projects that start with non-Federal dollars and can be a great advantage to some of those ports and other waterways that are at a disadvantage because of the distance of the project.

So I ask support for this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114-790.

Mr. MICA. Mr. Chairman, I have an amendment at the desk that I offer as the designee of the gentleman from Oklahoma (Mr. MULLIN).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ . LAND TRANSFER AND TRUST LAND FOR THE MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works projects; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection, as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E., McIntosh County, Oklahoma, generally depicted as “USACE” on the map entitled “Muscogee (Creek) Nation Proposed Land Acquisition” and dated October 16, 2014.

(2) SURVEY.—The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Muscogee (Creek) Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, today I am asking my colleagues for support of this noncontroversial amendment.

This amendment would facilitate simply a land transfer from the Army Corps of Engineers to the Department of the Interior to hold in trust for the Muscogee (Creek) Nation. The language is supported by the Corps, the State of Oklahoma, and by the Muscogee (Creek) Nation. It was in-

cluded in the Senate-passed WRDA bill, which passed overwhelmingly in bipartisan fashion.

It received a zero budget impact from CBO. The Muscogee (Creek) Nation will be paying fair market value to the Corps for land.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 17 will not be offered.

AMENDMENT NO. 18 OFFERED BY MR. THORNBERRY

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114-790.

Mr. THORNBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1 ____ . LAKE KEMP, TEXAS.

Section 3149(a) of the Water Resources Development Act of 2007 is amended—

(1) by striking “2020” and inserting “2025”; and

(2) by striking “this Act” and inserting “the Water Resources Development Act of 2016”.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with a local, unique issue involving privately owned cabins on privately owned land near Lake Kemp in Texas.

When reconstructing the dam in the late 1960s, the city of Wichita Falls entered into an agreement with the Corps of Engineers that the city would require all of these privately owned cabins owners below a certain elevation to be removed by January 1, 2000, because there was concern it could potentially flood. But 50 years later, there has never been a flood, and there never will be a flood, because the lake has been full several times.

The 2007 WRDA bill prevented the Corps from requiring the city to evict the landowners until at least 2020, and, at the same time, the U.S. and the Corps were released from any liability. This amendment would simply extend that time period for an additional 5 years.

The amendment also preserves the full property rights for the landowners. You have got some of these cabin owners who have been there for years, and the city does not have the desire or the funds to force them off the land.

So the bottom line, Mr. Chairman, is this is a local situation. This amend-

ment gives local folks an added opportunity to solve their issues. I hope Members will support it as well as the underlying bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. THORNBERRY).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 19 OFFERED BY MR. WEBER OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114-790.

Mr. WEBER of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ____ . COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.

In carrying out the comprehensive planning authorized by section 4091 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1187), the Secretary shall consider studies, data, and information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the plan.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. WEBER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. WEBER of Texas. Mr. Chairman, I rise to offer a very important amendment to the State of Texas. This amendment is noncontroversial and mirrors language by Senator CORNYN in the Senate's version of WRDA.

Thanks to Chairman SHUSTER for making our ports and waterways a critical national priority and for bringing this important legislation to the floor today.

Mr. Chairman, this amendment would simply require the Army Corps of Engineers to take into account the existing data, studies, and information developed by the Gulf Coast Community Protection and Recovery District when conducting the Coastal Texas Protection and Restoration Study authorized in the Water Resources Development Act of 2007.

The Gulf Coast Community Protection and Restoration District, or GCCPRD, was formed in the aftermath of Hurricane Ike by six Texas counties encompassing Houston and Southeast Texas. The counties were Harris, Galveston, Brazoria, Chambers, Jefferson, and Orange.

Hurricane Ike struck this region in 2008, caused \$37.5 billion in damage nationwide, making it the third costliest hurricane in United States history. The storm caused over 100 fatalities, washed away homes, flooded communities, and shut down much of the Nation's and region's energy production.

The effects of another major hurricane on the Houston region and our Nation would be devastating. Over 6 million people call this area home, and

many work in critical economic sectors like health care and energy refining. The impact would be felt in every congressional district across the country.

For example, according to reports published immediately after Hurricane Ike made landfall, gas prices spiked between 30 and 60 cents per gallon across many States due to the disruption in energy production in the Houston region.

In 2013, the Texas General Land Office entered into an agreement with GCCPRD to conduct a three-phase Storm Surge Suppression Study. The phase three report was released this past June.

In addition to this study, the GLO and the Army Corps of Engineers are moving forward in partnership on the Coastal Texas Protection and Restoration Study. Once completed, this study will make the case for coastal infrastructure projects that would qualify for Federal dollars and would protect our vulnerable coastal communities in a major part of this Nation's energy production. The study received funding in the President's fiscal year 2017 budget, but the current timeline for completion of this study is over 5 years. Mr. Chairman, it has been 8 years since Hurricane Ike, and this time line is unacceptable.

So, Mr. Chairman, protecting the Texas coast from dangerous storms is a critical Federal interest and a national priority. This amendment would simply require the Army Corps to tap into an existing pool of data and information developed by Texans in an effort to shorten the completion timeline of the Coastal Protection and Restoration Study.

I urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. WEBER).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. YOUNG OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 114-790.

Mr. YOUNG of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____ . CORPS LEVEES THAT AFFECT COMMUNITY-OWNED LEVEES.

Where Federally owned and operated levees increase flood risk and compromise the accreditation of community-owned local flood protection systems, it shall be the policy of the Corps of Engineers to act expeditiously with actions required to authorize, fund, identify, and implement improvements to reduce and negate negative impacts to community-owned flood protection system accreditation.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Iowa (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. YOUNG of Iowa. Mr. Chairman, first, I would like to thank the Committee on Transportation and Infrastructure, Chairman SHUSTER, and members of the staff for working so hard on this bill.

Mr. Chairman, my amendment seeks to address situations where community-owned levees and federally owned U.S. Army Corps of Engineers levees are hydraulically connected. These hydraulically connected levees are close enough to one another in the same water system and can have a huge impact on each other. So when a local flood protection system is in need of repairs, we cannot allow Federal inaction to stand in the way. Without action from the Corps, improvements to local levees have limited effect and are insufficient, making it difficult to achieve accreditation.

Why is this important? Not only does it put people and property in flood zones at risk, but it also increases costs for individuals and businesses in our communities, mandating flood insurance and classifying any development as "high risk."

I am seeing this in my district, where the City of Des Moines has been working with the Corps since 2011. I know my district is not alone. I see it in other districts as well.

Mr. Chairman, we cannot continue to have local governments be hindered by Federal inaction, inaction on property the Federal Government took responsibility for years ago.

In the end, this amendment will establish a policy that will reduce and, ultimately, negate the negative impacts to community-owned flood protection system accreditation caused by the Army Corps of Engineers' failure to act.

I urge adoption of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, this amendment, I have got to say, we are not quite certain what it does. It seems to require the Corps of Engineers to take action for anything that relates to a Federal project which is a locally owned flood control.

I have no idea what the implications of this are. So my staff called the Corps and said: How many projects do you think this would affect, and what do you think the impacts would be? The Corps of Engineers said they had no idea.

I would like to address a question to the chairman.

Mr. Chairman, since the Corps has no idea what this amendment does, what the financial implications are, since it would seem to give the Federal Government liability for all these local projects that are anywhere down-

stream or related to a Federal project, could the chairman explain to me what this amendment will do, since the Corps can't?

I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. My understanding is that it is a sense of Congress to ask the Corps to act—

Mr. DEFAZIO. Reclaiming my time, it is not a sense of Congress, as offered. It is actually—it is quite definitive language. "Where Federally owned and operated levees increase flood risk and compromise the accreditation of community-owned. . . it shall be the policy of the Corps of Engineers to act expeditiously with actions required to authorize, fund, identify, and implement improvements to reduce and negate negative impacts to community-owned flood protection system accreditation." It seems to me that it is pretty definitive with the "shall" part there.

I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Well, it does say "shall" and it does ask the Corps to act expeditiously, which I think all of us want to encourage the Corps to do that.

Mr. DEFAZIO. Okay. Good luck with that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MS. ESTY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 114-790.

Ms. ESTY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ____ . CORROSION PREVENTION.

Section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350) is amended by adding at the end the following:

"(d) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the corrosion prevention activities encouraged under this section that includes—

"(1) a description of the actions the Secretary has taken to implement this section; and

"(2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken."

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Connecticut (Ms. ESTY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. ESTY. Mr. Chairman, I rise today in support of my amendment to

the Water Resources Development Act, which would require the Secretary of the Army Corps to implement a corrosion prevention strategy for our Nation's water infrastructure.

Preventing corrosion is a bipartisan issue and affects every State, district, and local community. In Connecticut and across the country, corrosion shortens the lifespan of our critical water systems, harms the environment, and endangers public health and safety.

Many of our Nation's water systems are over 100 years old. What's more, according to a study conducted by the Federal Highway Administration in 2002, the corrosion of water and sewer systems across the United States costs the American taxpayers nearly \$36 billion a year, a number that has only increased in the ensuing 14 years.

By implementing strategies to prevent corrosion, we can extend the lifespan of these water projects, save money, and ensure that we have continued access to safe drinking water for years to come.

Surely, we can all agree that by preventing corrosion we are being responsible stewards of taxpayer dollars, as well as protecting citizens' health and safety.

So let's be clear. This is not a substitute for the serious conversation that this country needs to be having on updating and bringing into the 21st century our roads, bridges, highways, sewer systems, and water systems; but we do need to work toward extending the lifespan of current Federal infrastructure, and we need to work hard on that today.

Today, we have the opportunity to engage in a bipartisan effort on corrosion prevention, something that will be an important first step to extend the lifespan and the safety of these systems. It is the and it is the sensible thing to do.

When corrosion control technologies are properly installed and maintained, corrosion is largely preventable. It is inexpensive and it saves lives.

So again, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Chairman, I say a special thank you to my cosponsor, co-chair of the House Corrosion Prevention Caucus, Congresswoman ESTY, for introducing this amendment that will help the taxpayers protect America's aging infrastructure.

Corrosion in our Nation's infrastructure reduces the lifespan of our investments, costs our taxpayers billions of

dollars, threatens our environment, and endangers our public safety. If left unchecked, corrosion affects many sectors of our economy, including defense projects, energy development, ports, water infrastructure, utilities, roads, rails, bridges, and other critical American assets.

The good news is that corrosion is an issue that can be tackled to extend the life and value of our Federal investments. When properly maintained, corrosion is largely preventable.

I have dealt with corrosion my whole adult life. Serving in our Navy for 9 years, I have seen young sailors fighting corrosion on our ships with a paint scraper, a paint brush, and a bucket of gray paint—the glory of the so-called paint and chip detail.

Working for the Houston region, I know how corrosion can impact our investment in our ports and waterways. Investing in corrosion prevention now will save the taxpayers billions down the road.

If my colleagues want to know more about corrosion prevention, come to Houston, Texas, headquarters of NACE, National Association of Corrosion Engineers, International.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SHUSTER. I yield an additional 30 seconds to the gentleman from Texas.

Mr. OLSON. This amendment would simply require the Army Corps to submit a report on corrosion prevention activities for our Nation's infrastructure, including water and sewer systems. I urge my colleagues to support this bipartisan, commonsense amendment.

Mr. SHUSTER. Mr. Chairman, if Connecticut and Texas can agree on this, then Congress ought to be able to agree on this.

I yield back the balance of my time. Ms. ESTY. Mr. Chairman, I want to thank my friend and colleague and the co-chair of the Corrosion Prevention Caucus.

I am a Navy daughter and the daughter and granddaughter of civil engineers, so believe me, I have learned a lot about corrosion and corrosion prevention in my life.

Again, this is the sort of bipartisan fix we need to be engaged in in this body. I want to thank my good friend, Mr. OLSON, my good friend, the chairman, Mr. SHUSTER. I urge all our colleagues to support this commonsense amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY).

The amendment was agreed to.

□ 1915

AMENDMENT NO. 22 OFFERED BY MS. ESTY

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 114-790.

Ms. ESTY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. __. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1316) is amended—

(1) in subsection (a) by striking “a study to determine the feasibility of carrying out projects” and inserting “a comprehensive assessment and management plan”;

(2) in subsection (b)—

(A) in the subsection heading by striking “STUDY” and inserting “ASSESSMENT AND PLAN”; and

(B) in the matter preceding paragraph (1), by striking “study” and inserting “assessment and plan”; and

(3) in subsection (c)(1) by striking “study” and inserting “assessment and plan”.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Connecticut (Ms. ESTY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. ESTY. Mr. Chairman, I rise today in support of my amendment, which makes an important change to the North Atlantic Coastal Ecosystem Restoration Study. My amendment expands the scope of the study from a mere feasibility study to a comprehensive assessment and management plan.

First established in the 2014 Water Resources Reform and Development Act, the North Atlantic Coastal Ecosystem Restoration Study is a state-of-the-art approach for bringing together the latest science on restoring coastal ecosystems at scale.

The proposal in my amendment is an important change because it will allow the United States Army Corps of Engineers to undertake critical habitat restoration projects of tidal marshes, beaches, dunes, and fish spawning areas across a region spanning from Maine to Virginia.

Due to the varying habitats and ecosystems along the entire North Atlantic Coast, individual States currently are struggling to adequately address environmental and ecological issues that span the entire region.

Challenges arising from, for example, algal bloom, fish depletion, and water quality issues know no boundaries and, frankly, defy the efforts of States to coordinate activities. Beyond that, we simply lack the expertise in each and every State to address these shared problems. What has resulted is a fragmented, State-by-State approach to solving interconnected environmental problems that need holistic solutions.

My amendment addresses this problem by creating a comprehensive, cooperative, and regional approach to environmental restoration and management. By fostering collaboration on coastal restoration projects between the Army Corps, State, and local partners, we can more effectively tackle environmental issues and restoration of coastal ecosystems.

My change will help States along the entire North Atlantic United States solve major water quality issues like eutrophication, algal bloom, fish depletion, and threats to shellfish like the ones we are currently facing in Long Island Sound.

Again, I urge my colleagues to adopt this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, this is a good amendment, and I appreciate the gentlewoman for bringing it forward. I urge all Members to support it.

Mr. Chairman, I yield back the balance of my time.

Ms. ESTY. Mr. Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MS. FRANKEL
OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 114-790.

Ms. FRANKEL of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:
SEC. ____ ACQUISITION OF BEACH FILL.

Section 935 of the Water Resources Development Act of 1986 (33 U.S.C. 2299) is amended by striking “if such materials are not available from domestic sources for environmental or economic reasons”.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Florida (Ms. FRANKEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. FRANKEL of Florida. Mr. Chairman, I bring this amendment on behalf of myself and Mr. CURBELO of Miami, Florida. It is a very excellent commonsense amendment. It is an authorization that requires no money, and it strikes an archaic, 30-year-old provision from law.

I would like to explain how it affects our home State of Florida. Quite simply, the law is an obstacle to Florida's tourism and shoreline protection. We are one of the top travel destinations in the world. We have over 100 million visitors with a \$70 billion impact to Florida's economy, and beaches play a very big role not only for visitors, but for our shore protection and for protection of our property, people, and the environment.

Just like Northern States have to fix their potholes after a bad winter, in

Florida, we have to restore our beaches. What has happened is that Dade and Broward Counties have run out of useable sand to dredge off our coast to put back on the beaches. After the Sandy Hurricane, our sand supply is completely depleted. We now have to rely on sand from northern counties. Taking sand from inland is very, very expensive. To try to take sand from the coastal communities literally causes a public uproar and threats of litigation. It is our version of water wars. We call them sand wars in Florida.

There is a very easy solution, and that is to allow the counties in south Florida to buy sand from the Bahamas.

What is preventing that?

There is language in a 1986 law—a 1986 WRDA bill written at a time when sand in south Florida was very plentiful. The language prevents State and local governments anywhere in the country from buying foreign sand to replenish their shorelines without the Army Corps first finding—and this requires a study and another study—that there is no domestic sources of sand for environmental or economic reasons. It is one more task that an overburdened agency does not need to perform.

So what this amendment does is it simply strikes that outdated requirement.

Mr. Chairman, I urge Members to help end the sand wars and support my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. FRANKEL).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. AL GREEN
OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 114-790.

Mr. AL GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:
SEC. ____ PRIORITIZATION OF CERTAIN PROJECTS.

The Secretary shall give priority to a project for flood risk management if—

(1) there is an executed project partnership agreement for the project; and

(2) the project is located in an area—

(A) in which there has been a loss of life due to flood events; and

(B) with respect to which the President has declared that a major disaster or emergency exists under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, this amendment is one that has received bipartisan support. It is sup-

ported by Congressman GENE GREEN of Texas as well as Congressman JOHN CULBERSON of Texas.

This amendment is quite simple. What it does is accord the Army Corps the requirement to prioritize projects wherein we have had a loss of life, a disaster declaration has been issued, there is a partnership agreement in place, and the funds have been authorized for the partnership.

In Texas we have had—and across the country, I might add—floods that are no longer classified as 100-year floods. Indeed, they are being classified as billion-dollar floods. We have had the Memorial Day flood, which was more than \$1 billion, and the Tax Day flood, which was more than \$1 billion. Between the two, we had more than 15 lives lost—approximately 17 to be more accurate.

This amendment would give us the opportunity to have some of the projects on the Corps' docket completed such that we can eliminate some flooding and minimize additional flooding.

I am honored to say that the Corps is aware of this amendment, and I am grateful to the Rules Committee for making it in order. I thank the chairperson and the ranking member for assistance given as well.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for bringing this forward. It is very similar to an amendment that Mr. YOUNG from Iowa brought forward, and I think that was a good amendment. I think this is. So I support it and urge all my colleagues to vote for it.

Mr. Chairman, I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of this amendment.

Many areas have faced severe frequent floods in recent years. Too many of these disasters have deadly consequences for our communities.

Since the beginning of the 114th Congress, more than 200 Americans have died as a result of flooding. In Texas alone, 77 people have perished as a result of flooding in under 2 years. Heavy rains and flooding killed eight people in 1 week this last April.

This amendment would go far to address these tragedies by allowing the Army Corps of Engineers to prioritize flood control projects for areas that have lethal flooding to provide security and peace of mind to residents in these communities.

Both Congressman AL GREEN and I represent different parts of Houston,

Harris County. His area was pretty devastated, along with the northwest part where Congressman McCAUL represents, and a number of other folks. But there is a reason why we are called the coastal plain in the Houston area, because when it floods, we fill up the bayous, we fill up the rivers, and the only place it goes is in our businesses and in our homes. That is why this amendment is so important.

Mr. Chairman, I urge my colleagues to support this amendment and protect our most vulnerable communities.

Mr. AL GREEN of Texas. Mr. Chairman, I want to thank, again, the chairperson, the ranking member, and the Rules Committee as well.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MS. HERRERA BEUTLER

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 114-790.

Ms. HERRERA BEUTLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1. WATERCRAFT INSPECTION STATIONS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response of any Quagga or Zebra mussel infestation.”.

(B) in paragraph (3) by inserting “Governors of the” before “States”; and

(2) in subsection (e) by striking paragraph (3) and inserting the following:

“(3) assist the States in early detection of Quagga and Zebra mussels;”.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Washington (Ms. HERRERA BEUTLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. HERRERA BEUTLER. Mr. Chairman, my amendment is a simple technical correction to clarify congressional intent to assist Northwestern States in prevention and monitoring of aquatic invasive species.

Western States are seeing a troubling spread of quagga and zebra mussels, which are an invasive species that quickly destroy infrastructure for hy-

dropower, water supply, filtration systems, and fisheries.

Once this species becomes established and spreads, it is difficult and very costly to eradicate. In some States, invasive mussels are already costing industries and businesses hundreds of millions of dollars in damage and repair.

For communities in the Columbia River basin, an infestation would be devastating to production of clean, renewable hydropower, which means steep rate hikes for families and businesses that are located in our region and are currently thriving due to the low cost of energy.

Communities would also suffer severe damages to fisheries and boats, putting all users and recreators of the Columbia and Snake River systems at risk.

Prevention is the first line of defense and the cheapest tool to use against invasive species. Watercraft inspection stations are particularly crucial in successful monitoring and detection. These stations intercept thousands of boats from all over the country to inspect and decontaminate.

This is why Congress authorized funds under the 2014 WRRDA to support watercraft inspection stations that protect the Columbia River basin from mussel invasion. Unfortunately, these funds have yet to actually reach the stations due to an ambiguity in the law.

This amendment simply clarifies that funds authorized under WRDA are intended to assist in establishing new watercraft inspection stations and support coverage for existing stations in Northwestern States.

Mr. Chairman, this is a good-government amendment to ensure that Federal funds are being used for the purpose for which Congress intended.

I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I want to thank the gentlewoman for bringing this forward.

We are one of the last refuges in the United States free of the zebra mussel, which is incredibly destructive and expensive. This will help us protect the integrity of our vital riverine resources.

I thank the gentlewoman for bringing this forward, and I fully support it.

Mr. Chairman, I yield back the balance of my time.

Ms. HERRERA BEUTLER. Mr. Chairman, I thank the gentleman for the support. Let's get this amendment moving.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. HERRERA BEUTLER).

The amendment was agreed to.

□ 1930

Mr. SHUSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMALFA) having assumed the chair, Mr. CARTER of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF INDIVIDUAL TO THE SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 703 of the Social Security Act (42 U.S.C. 903), and the order of the House of January 6, 2015, of the following individual on the part of the House to the Social Security Advisory Board for a term of 6 years, effective October 9, 2016:

Ms. Kim Hildred, Alexandria, Virginia

APPOINTMENT OF INDIVIDUAL TO BOARD OF TRUSTEES FOR THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), and the order of the House of January 6, 2015, of the following individual on the part of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of 6 years:

Mr. GREGG HARPER, Pearl, Mississippi

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 32 minutes p.m.), the House stood in recess.

□ 2340

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STIVERS) at 11 o'clock and 40 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5303, WATER RESOURCES DEVELOPMENT ACT OF 2016; PROVIDING FOR CONSIDERATION OF H.R. 6094, REGULATORY RELIEF FOR SMALL BUSINESSES, SCHOOLS, AND NONPROFITS ACT; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 29, 2016, THROUGH NOVEMBER 11, 2016

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 114-794) on the resolution (H. Res. 897) providing for further consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of the bill (H.R. 6094) to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees; and providing for proceedings during the period from September 29, 2016, through November 11, 2016, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE (at the request of Ms. PELOSI) for the first series of votes on account of medical appointments.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An act to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009 and for other purposes; to the Committee on Science, Space, and Technology; in addition, to the Committee on Natural Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on September 26, 2016, she presented to the President of the United States, for his approval, the following bills.

H.R. 5252. To designate the United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the "Marcelino Serna Port of Entry".

H.R. 2615. To establish the Virgin Islands of the United States Centennial Commission.

H.R. 5937. To amend title 36, United States Code, to authorize the American Battle Monuments Commission to acquire, operate,

and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France, and for other purposes.

ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 28, 2016, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6981. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — System Safeguards Testing Requirements (RIN: 3038-AE30) September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

6982. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — TRICARE; Mental Health and Substance Use Disorder Treatment [DOD-2015-HA-0109] (RIN: 0720-AB65) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

6983. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Qualification Standards for Enlistment, Appointment, and Induction [Docket ID: DOD-2011-OS-0099] (RIN: 0790-AI78) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

6984. A letter from the Deputy Director, ODRM, Department of Health and Human Services, transmitting the Department's Major final rule — Child Care and Development Fund (CCDF) Program (RIN: 0970-AC67) received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

6985. A letter from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting the Department's final rule — Medication Assisted Treatment for Opioid Use Disorders Reporting Requirements (RIN: 0930-AA22) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6986. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Florida; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard [EPA-R04-OAR-2014-0423; FRL-9953-18-Region 4] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6987. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oklahoma; Revi-

sions to Major New Source Review Permitting [EPA-R06-OAR-2014-0221; FRL-9951-54-Region 6] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6988. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Approval and Promulgation of Implementation Plans; Washington: General Regulations for Air Pollution Sources [EPA-R10-OAR-2016-0493; FRL-9953-04-Region 10] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6989. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Missouri State Implementation Plan for the 2008 Lead Standard [EPA-R07-OAR-2015-0835; FRL-9952-79-Region 7] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chemical Data Reporting; 2016 Submission Period Extension [EPA-HQ-OPPT-2009-0187; FRL-9952-64] (RIN: 2070-AJ43) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6991. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on the August 2016 Section 126 Petition From Delaware [EPA-HQ-OAR-2016-0509; FRL-9952-97-OAR] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6992. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2015-0791; FRL-9951-60] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6993. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flupyradifurone; Pesticide Tolerances [EPA-HQ-OPP-2013-0226; FRL-9951-68] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6994. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Six Source Categories [EPA-HQ-OAR-2011-0151; FRL-9952-86-OAR] (RIN: 2060-AR98) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Review of the National Ambient Air Quality Standards for Lead [EPA-HQ-OAR-2010-0108; FRL-9952-87-OAR] (RIN: 2060-AQ44) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6996. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Technical Correction to the National Ambient Air Quality Standards for Particulate Matter [EPA-HQ-OAR-2016-0408; FRL-9953-20-OAR] (RIN: 2060-AS89) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; TN: Revisions to Logs and Reports for Startups, Shutdowns and Malfunctions [EPA-R04-OAR-2015-0403; FRL-9953-05-Region 4] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6998. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Treatment of Data Influenced by Exceptional Events [EPA-HQ-OAR-2013-0572; EPA-HQ-OAR-2015-0229; FRL-9952-89-OAR] (RIN: 2060-AS02) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6999. A letter from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 90 of the Commission's Rules to Enable Railroad Police Officers to Access Public Safety Interoperability and Mutual Aid Channels [PS Docket No.: 15-199] (RM-11721) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7000. A letter from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands [PS Docket No.: 13-87; National Public Safety Telecommunications Council Petition for Rulemaking on Aircraft Voice Operations at 700MHz (RM-11433); National Public Safety Telecommunications Council Petition for Rulemaking to Revise 700 MHz Narrowband Channel Plan (RM-11433); Region 24 700 MHz Regional Planning Committee Petition for Rulemaking [WT Docket No.: 96-86] [PS Docket No.: 06-229]; State of Louisiana Petition for Rulemaking (RM-11577) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7001. A letter from the Chief, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No.: 02-34] received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7002. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eagle Butte, South Dakota) [MB Docket No.: 16-182] (RM-11770) received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7003. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales

Rule Fees (RIN: 3084-AA98) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7004. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Technical Amendments and Recodification of Alaska Humpback Whale Approach Regulations [Docket No.: 150727648-6720-01] (RIN: 0648-BF31) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

7005. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's interim final rule — Approach Regulations for Humpback Whales in the Waters Surrounding the Islands of Hawaii Under the Marine Mammal Protection Act [Docket No.: 160413333-6721-01] (RIN: 0648-BF98) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

7006. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Miscellaneous Changes to Trademark Trial and Appeal Board Rules of Practice [Docket No.: PTO-T-2009-0030] (RIN: 0651-AC35) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

7007. A letter from the Chief Impact Analyst, ORPM, Office of the General Counsel (02REG), VHA, Department of Veterans Affairs, transmitting the Department's interim final rule — Telephone enrollment in the VA healthcare system (RIN: 2900-AP68) received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

7008. A letter from the Chief, Trade and Commercial Regulations Branch, U.S. Customs and Border Protection, Department of Homeland Security, transmitting the Department's interim regulations — Notice of Arrival for Importations of Pesticides and Pesticidal Devices [Docket No.: USCBP-2016-0061] (CBP Dec. 16-15) (RIN: 1515-AE12) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

7009. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Modifications to Minimum Present Value Requirements for Partial Annuity Distribution Options under Defined Benefit Pension Plans [TD 9783] (RIN: 1545-BJ55) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

7010. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Treatment of Amounts Paid to Section 170(c) Organizations under Employer Leave-Based Donation Programs to Aid Victims of Severe Storms and Flooding in Louisiana that Began on August 11, 2016 [Notice 2016-55] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHAFFETZ: Committee on Oversight and Government Reform. Recommending that the House of Representatives find Bryan Pagliano in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform. (Rept. 114-792). Referred to the House Calendar.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3608. A bill to amend the Internal Revenue Code of 1986 to exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air; with an amendment (Rept. 114-793). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 897. Resolution providing for further consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of the bill (H.R. 6094) to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees; and providing for proceedings during the period from September 29, 2016, through November 11, 2016 (Rept. 114-794). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WELCH (for himself and Mr. GRIFFITH):

H.R. 6174. A bill to amend title III of the Public Health Service Act to limit the orphan drug exclusion under the drug discount program under section 340B of such title; to the Committee on Energy and Commerce.

By Mr. DUNCAN of South Carolina (for himself, Mr. BARLETTA, Mr. LUETKEMEYER, and Mr. BABIN):

H.R. 6175. A bill to amend the Immigration and Nationality Act to facilitate the removal of aliens identified in the terrorist screening database, and for other purposes; to the Committee on the Judiciary.

By Mr. SCALISE (for himself, Mr. CUELLAR, Mr. MARINO, Mr. GENE GREEN of Texas, Mr. STIVERS, Mr. ROGERS of Alabama, Mr. WEBER of Texas, Mr. FLEISCHMANN, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. HENSARLING, Mr. SMITH of Missouri, Mr. GROTHMAN, Mr. ABRAHAM, Mr. DESJARLAIS, Mr. SMITH of Texas, Mr. JORDAN, Mr. JOHNSON of Ohio, Mr. HUDSON, Mr. WALBERG, Mr. SMITH of Nebraska, Mr. CRAMER, Mr. BURGESS, Mr. JOYCE, Mrs. BLACK, Mr. MARCHANT, Mr. BOUSTANY, Mrs. WALORSKI, Mr. HARPER, Mr. YOUNG of Alaska, Mr. JODY B. HICE of Georgia, Mr. KLINE, Mr. WOMACK, Mr. COLLINS of Georgia, Mr. GOSAR, Mr. KELLY of Pennsylvania, Mr. PEARCE, Mr. COLLINS of New York, Mr. CHABOT, Mr. ISSA, Mr. GIBSON, Mr. PETERSON, Mr. EMMER of Minnesota, Mr. ZINKE, Mr. WENSTRUP, Mr. STEWART, Mr. FLEMING, Mr. TIBERI, Mr. COOK, Mr.

MCHENRY, Mr. RENACCI, Mr. BISHOP of Utah, Mr. AMODEI, Mr. ROONEY of Florida, Mr. MCKINLEY, Mr. FLORES, Mr. MILLER of Florida, Mr. WESTERMAN, Mr. MCCAUL, Mr. LATTA, Mr. GOODLATTE, Mr. DESANTIS, Mrs. BLACKBURN, and Mr. GOWDY):

H.R. 6176. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Foreign Affairs.

By Mr. DEFAZIO:

H.R. 6177. A bill to require the Administrator of the Office of Information and Regulatory Affairs and the head of each Federal agency to increase transparency in the regulatory review process, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER (for himself and Mrs. BUSTOS):

H.R. 6178. A bill to amend title 23, United States Code, with respect to apportionments to States for certain highway programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TED LIEU of California:

H.R. 6179. A bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress; to the Committee on Foreign Affairs.

By Mrs. LOVE (for herself, Mr. ZELDIN, and Mrs. LUMMIS):

H.R. 6180. A bill to authorize the State of Utah to select lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes; to the Committee on Natural Resources.

By Ms. VELÁZQUEZ (for herself, Mr. MEEKS, and Mr. JEFFRIES):

H.R. 6181. A bill to authorize programs and activities to support transportation options in areas with limited access to public transportation due to extensive repair or reconstruction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GIBBS:

H.R. 6182. A bill to amend the Federal Water Pollution Control Act to provide for an integrated planning and permitting process, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. JONES):

H.R. 6183. A bill to neutralize the discriminatory effect of any country that employs indirect taxes and grants rebates of the same upon export if United States trade negotiating objectives regarding border tax treatment are not met; to the Committee on Ways and Means.

By Mr. DOLD (for himself and Mr. SCHRADER):

H.R. 6184. A bill to amend title XVIII of the Social Security Act to provide for a special enrollment period under Medicare for individuals enrolled in COBRA continuation coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York:

H.R. 6185. A bill to provide for further comprehensive research at the National Institute of Neurological Disorders and Stroke on

unruptured intracranial aneurysms; to the Committee on Energy and Commerce.

By Mr. DUFFY (for himself, Mr. CONNOLLY, Mr. COLE, Mr. VISCLOSKEY, Mr. MEADOWS, Mrs. LAWRENCE, Mr. GOMMERT, and Mrs. NORTON):

H.R. 6186. A bill to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself, Mr. MURPHY of Pennsylvania, Mr. BISHOP of Georgia, Mr. TAKANO, Mr. RYAN of Ohio, Mr. JONES, Mr. RUPPERSBERGER, Mr. MCDERMOTT, and Mr. VEASEY):

H.R. 6187. A bill to establish in the Department of Veterans Affairs a pilot program instituting a clinical observation program for pre-med students preparing to attend medical school; to the Committee on Veterans' Affairs.

By Ms. KUSTER (for herself, Mrs. KIRKPATRICK, Mr. SEAN PATRICK MALONEY of New York, and Ms. LEE):

H.R. 6188. A bill to direct the Secretary of Education to carry out a grant program for early childhood STEM activities; to the Committee on Education and the Workforce.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 6189. A bill to withdraw certain Bureau of Land Management land from mineral development; to the Committee on Natural Resources.

By Ms. MCSALLY:

H.R. 6190. A bill to establish Chiricahua National Park in Arizona as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ROSS:

H.R. 6191. A bill to amend the Internal Revenue Code of 1986 to include student loan repayments as members of targeted groups for purposes of the work opportunity credit and to provide for a credit against tax for student loan program startup costs; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 6192. A bill to amend title 10, United States Code, to permit the Secretary of Defense to transfer excess personal property of the Department of Defense to law enforcement agencies only by means of auction, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 6193. A bill to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VEASEY (for himself, Ms. SEWELL of Alabama, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Mr. TED LIEU of California, and Mr. POCAN):

H.R. 6194. A bill to prohibit the enforcement of any requirement that an individual produce a photo identification as a condition of registering to vote or voting in an election for Federal office unless the requirement was in effect as of June 25, 2013; to the Committee on House Administration.

By Mr. FLORES:

H. Con. Res. 163. Concurrent resolution commemorating the 100th anniversary of the 1916 opening of the Texas A&M College of

Veterinary Medicine & Biomedical Sciences and the 2016 opening of the new Texas A&M Veterinary & Biomedical Education complex in College Station, Texas; to the Committee on Agriculture.

By Mr. VEASEY (for himself, Ms. SEWELL of Alabama, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Mr. TED LIEU of California, and Mr. POCAN):

H. Con. Res. 164. Concurrent resolution expressing the support for the passage of the Voting Rights Advancement Act of 2015; to the Committee on the Judiciary.

By Mr. WEBER of Texas (for himself and Mr. FRANKS of Arizona):

H. Res. 896. A resolution recognizing the significance of the United States relationship with the Republic of Moldova and encouraging United States support for anti-corruption efforts and strengthening democratic institutions; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WELCH:

H.R. 6174.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. DUNCAN of South Carolina:

H.R. 6175.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 grants Congress the right to set forth rules for Naturalization.

By Mr. SCALISE:

H.R. 6176.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of the Constitution gives Congress the power to regulate commerce with foreign countries and among the states. The Export Reform Control Act addresses the rules of commerce for certain items currently on the United States Munitions List, directing them to be moved to the Department of Commerce's Commerce Control List.

By Mr. DEFAZIO:

H.R. 6177.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. FOSTER:

H.R. 6178.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 and Clause 3.

By Mr. TED LIEU of California:

H.R. 6179.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution, which grants Congress the power to declare war.

By Mrs. LOVE:

H.R. 6180.

Congress has the power to enact this legislation pursuant to the following:

Article IV Section 3 of the United States Constitution

By Ms. VELÁZQUEZ:

H.R. 6181.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GIBBS:

H.R. 6182.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).

By Mr. PASCRELL:

H.R. 6183.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DOLD:

H.R. 6184.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Ms. CLARKE of New York:

H.R. 6185.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. DUFFY:

H.R. 6186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. KAPTUR:

H.R. 6187.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. KUSTER:

H.R. 6188.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 6189.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Ms. MCSALLY:

H.R. 6190.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, Clause 1:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article IV, Section 3, Clause 2:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. ROSS:

H.R. 6191.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Clause 1.

By Mr. SANFORD:

H.R. 6192.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII of the United States Constitution

By Mr. SMITH of Washington:

H.R. 6193.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—"To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes."

By Mr. VEASEY:

H.R. 6194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause I—The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as the Places of choosing Senators.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 188: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 213: Mr. O'ROURKE, Mr. LANGEVIN, Mr. COFFMAN, Mr. FLEISCHMANN, and Ms. MATSUI.

H.R. 379: Ms. KAPTUR and Mr. JOLLY.

H.R. 546: Mr. SCHRADER and Mr. DENT.

H.R. 662: Mr. HARDY and Ms. JENKINS of Kansas.

H.R. 704: Mr. RUPPERSBERGER.

H.R. 746: Ms. BROWNLEY of California and Mr. LARSON of Connecticut.

H.R. 842: Mr. YOUNG of Iowa.

H.R. 1061: Mr. PAYNE, Mr. NORCROSS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CASTRO of Texas, Ms. VELÁZQUEZ, Mr. SWALWELL of California, Mrs. LOWEY, Mr. HONDA, Ms. KUSTER, Ms. CLARKE of New York, Mr. COSTELLO of Pennsylvania, Mr. COHEN, Mr. KEATING, Mr. LARSON of Connecticut, Ms. SCHAROWSKY, Mr. PERLMUTTER, and Mr. DOGGETT.

H.R. 1095: Mr. YARMUTH and Mr. SERRANO.

H.R. 1102: Mr. O'ROURKE.

H.R. 1151: Mr. ALLEN.

H.R. 1192: Mr. RICE of South Carolina.

H.R. 1197: Ms. PLASKETT.

H.R. 1282: Mr. SARBANES and Mr. HASTINGS.

H.R. 1312: Mr. CUELLAR.

H.R. 1347: Mr. GUTIERREZ.

H.R. 1706: Ms. MENG.

H.R. 2102: Mr. STIVERS.

H.R. 2116: Ms. LOFGREN and Mr. RANGEL.

H.R. 2170: Mr. ASHFORD.

H.R. 2224: Mr. VARGAS and Mr. GRIJALVA.

H.R. 2280: Mr. ZELDIN.

H.R. 2302: Mr. NORCROSS.

H.R. 2434: Mr. BARLETTA.

H.R. 2493: Mr. MCNERNEY.

H.R. 2656: Mr. ALLEN.

H.R. 2660: Mr. NADLER.

H.R. 2715: Mr. NADLER.

H.R. 2717: Mr. HONDA, Mr. LOWENTHAL, Ms. SPEIER, Mr. QUIGLEY, Mr. MCNERNEY, Ms. KAPTUR, Mr. KILMER, Mr. THOMPSON of California, Mr. GARAMENDI, Mr. BECERRA, Ms. ESHOO, and Ms. LOFGREN.

H.R. 2799: Ms. WASSERMAN SCHULTZ.

H.R. 2844: Mr. CLAY.

H.R. 2875: Mr. CUMMINGS and Mr. O'ROURKE.

H.R. 2889: Mr. LANGEVIN, Ms. WILSON of Florida, and Mr. CICILLINE.

H.R. 2894: Mr. HECK of Washington.

H.R. 2991: Mr. MEEKS.

H.R. 3061: Mr. LYNCH and Mr. LANGEVIN.

H.R. 3099: Mr. GRIJALVA.

H.R. 3355: Mr. CULBERSON.

H.R. 3411: Mr. GRAYSON and Mrs. LAWRENCE.

H.R. 3522: Mr. MURPHY of Florida and Mr. SERRANO.

H.R. 3562: Mr. SEAN PATRICK MALONEY of New York.

H.R. 3632: Mrs. WATSON COLEMAN and Ms. VELÁZQUEZ.

H.R. 3696: Ms. EDWARDS.

H.R. 3846: Mr. HARPER and Mr. WILSON of South Carolina.

H.R. 4151: Mr. LOBIONDO.

H.R. 4272: Mr. HIMES.

H.R. 4277: Ms. MCCOLLUM, Mr. DESAULNIER, and Mr. AGUILAR.

H.R. 4298: Mr. FRANKS of Arizona, Mr. BYRNE, Mrs. WALORSKI, and Mr. LUETKEMEYER.

H.R. 4365: Ms. MCSALLY.

H.R. 4399: Mr. GRAYSON.

H.R. 4423: Mr. POLLS.

H.R. 4514: Ms. FUDGE.

H.R. 4526: Mr. TONKO.

H.R. 4559: Mr. STIVERS and Mr. LUCAS.

H.R. 4616: Mr. VISCLOSKEY.

H.R. 4657: Mr. DEFAZIO.

H.R. 4764: Mrs. NAPOLITANO and Mr. GROTHMAN.

H.R. 4818: Mr. CRENSHAW and Mr. ROONEY of Florida.

H.R. 4907: Mr. DIAZ-BALART.

H.R. 4980: Mr. SMITH of Missouri and Mr. CHABOT.

H.R. 5018: Mr. HUFFMAN.

H.R. 5082: Mr. ROONEY of Florida.

H.R. 5083: Ms. LOFGREN and Mr. GENE GREEN of Texas.

H.R. 5143: Mr. GROTHMAN.

H.R. 5182: Mr. LOEBSACK.

H.R. 5224: Mr. ALLEN and Mr. BOUSTANY.

H.R. 5237: Mr. YOUNG of Iowa.

H.R. 5265: Mr. HONDA.

H.R. 5301: Mr. GRAVES of Missouri and Mr. BARR.

H.R. 5418: Mr. PALAZZO.

H.R. 5600: Ms. DUCKWORTH, Mrs. MIMI WALTERS of California, and Mr. AMODEI.

H.R. 5624: Mr. GENE GREEN of Texas.

H.R. 5650: Mr. GENE GREEN of Texas, Mr. MILLER of Florida, and Mr. MEEHAN.

H.R. 5727: Mr. MCCAUL.

H.R. 5732: Mr. STEWART, Mr. FOSTER, Mrs. WAGNER, Mr. ROKITA, and Mr. SMITH of Washington.

H.R. 5745: Mrs. NAPOLITANO, Ms. SLAUGHTER, and Mr. CONYERS.

H.R. 5764: Mr. HONDA.

H.R. 5812: Mr. BABIN.

H.R. 5828: Ms. LEE, Mr. RUSH, and Mr. SWALWELL of California.

H.R. 5829: Mr. NEUGEBAUER.

H.R. 5904: Mr. AUSTIN SCOTT of Georgia.

H.R. 5940: Mr. CRAMER.

H.R. 5951: Mr. THORNBERRY and Mr. CULBERSON.

H.R. 5954: Ms. TITUS.

H.R. 5961: Ms. SLAUGHTER and Mrs. HARTZLER.

H.R. 5972: Ms. KUSTER.

H.R. 5980: Mr. JOLLY, Mrs. HARTZLER, Ms. SPEIER, Ms. JUDY CHU of California, Mr. CONYERS, Ms. NORTON, Mr. O'ROURKE, and Mr. SCHRADER.

H.R. 5989: Mr. LIPINSKI, Mr. LATTA, Mr. POSTER, Mr. HULTGREN, and Mr. ROHRBACHER.

H.R. 5994: Mr. BOUSTANY.

H.R. 5996: Ms. NORTON and Mr. McCAUL.

H.R. 5999: Mr. KATKO.

H.R. 6020: Mr. SESSIONS.

H.R. 6021: Mr. SESSIONS.

H.R. 6030: Mr. HONDA and Mr. GRIJALVA.

H.R. 6045: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 6067: Mr. FRANKS of Arizona.

H.R. 6072: Mr. VEASEY and Mr. COHEN.

H.R. 6088: Mr. PETERSON and Mr. ROKITA.

H.R. 6094: Mr. MULLIN, Mr. YOUNG of Iowa, Mr. EMMER of Minnesota, Mr. SAM JOHNSON of Texas, and Mr. SIMPSON.

H.R. 6100: Mr. TURNER, Mr. DUFFY, Mr. GOWDY, Mr. MCCLINTOCK, Mrs. LOVE, Mr. WESTERMAN, Mr. KING of Iowa, Mrs. NOEM, and Mr. BROOKS of Alabama.

H.R. 6109: Ms. LINDA T. SÁNCHEZ of California.

H.R. 6116: Mr. BLUMENAUER.

H.R. 6131: Mr. PALMER and Mr. ROTHFUS.

H.R. 6133: Ms. SLAUGHTER.

H.R. 6142: Mr. DENT.

H.R. 6161: Ms. KUSTER.

H.R. 6164: Mr. ELLISON.

H.R. 6168: Ms. VELÁZQUEZ and Mr. FARR.

H.R. 6173: Mr. MCGOVERN and Ms. CLARK of Massachusetts.

H.J. Res. 94: Ms. SLAUGHTER, Mr. LOWENTHAL, and Mr. VISCLOSKEY.

H. Con. Res. 29: Ms. LOFGREN.

H. Con. Res. 40: Mrs. BUSTOS.

H. Con. Res. 87: Mr. DUNCAN of South Carolina.

H. Con. Res. 140: Mr. POLIQUIN, Mr. TIPTON, Mr. ISRAEL, Mr. JEFFRIES, Mrs. TORRES, Mr. MULLIN, Mr. COFFMAN, Mr. AUSTIN SCOTT of Georgia, Mr. YODER, Mr. HUNTER, Mr. KINZINGER of Illinois, and Mr. CRAMER.

H. Con. Res. 159: Mr. LEWIS and Ms. ROSELEHTINEN.

H. Con. Res. 161: Mr. COURTNEY.

H. Res. 289: Ms. ESHOO.

H. Res. 590: Mr. MICA.

H. Res. 703: Mr. COHEN, Mr. GRAYSON, Mr. GRIJALVA, and Mrs. LAWRENCE.

H. Res. 750: Mr. GIBSON.

H. Res. 782: Mr. MASSIE.

H. Res. 829: Mrs. HARTZLER.

H. Res. 836: Mr. YOHIO.

H. Res. 840: Mr. PASCRELL.

H. Res. 850: Mr. TED LIEU of California.

H. Res. 853: Mr. COLE.

H. Res. 867: Mr. DANNY K. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. SEAN PATRICK MALONEY of New York, Ms. EDWARDS, Mr. CONYERS, Mr. GRIJALVA, Mr. KEATING, Ms. LEE, Ms. BONAMICI, Ms. JUDY CHU of California, Ms. MOORE, Ms. DELAUNO, Mr. LOWENTHAL, Ms. KUSTER, Ms. JACKSON LEE, Mr. CLAY, Mr. ASHFORD, Mr. HASTINGS, Mr. MCNERNEY, Ms. LOFGREN, Ms. SEWELL of Alabama, and Mr. ENGEL.

H. Res. 882: Ms. PINGREE, Mr. CURBELO of Florida, Mr. SWALWELL of California, Mr. QUIGLEY, Ms. TSONGAS, and Mr. KEATING.

H. Res. 884: Mr. GROTHMAN.

H. Res. 887: Mr. CONYERS and Mr. COHEN.

H. Res. 891: Mr. FORTENBERRY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. SHUSTER

The Manager's amendment to H.R. 5303 (the Water Resources Development Act of 2016) that I filed with the Committee on Rules does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. KLINE

Mr. Speaker, the provisions that warranted a referral to the Committee on Education and the Workforce in H.R. 6094 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5303

OFFERED BY: MR. KILDEE

AMENDMENT NO.: Add at the end the following:

TITLE V—DRINKING WATER

SEC. 501. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term “eligible State” means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(2) ELIGIBLE SYSTEM.—The term “eligible system” means a public drinking water supply system that has been the subject of an emergency declaration referred to in paragraph (1).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (e)(1)(A), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905) to address lead or other contaminants in drinking water in an eligible system, including repair and replacement of public and private drinking water infrastructure; and

(ii) any eligible entity under section 5025 of that Act (33 U.S.C. 3904) for a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905).

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A)(i) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator a total of \$100,000,000 to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available for a period of 18 months beginning on the date on which the funds are made available, for the purposes described in subsection (b)(2), and after the end of the 18-month period, until expended for the purposes described in subparagraph (C).

(B) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under subparagraph (A), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Of any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 18 months after the date on which the amounts are made available shall be available to provide additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(D) **APPLICABILITY.**—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) **WIFI FUNDING.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator \$70,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) with a goal of providing secured loans totaling at least \$700,000,000.

(B) **USE.**—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities described in subsection (c)(1)(A).

(C) **EXCLUSION.**—Of the amounts made available under subparagraph (A), \$20,000,000 shall not be used to provide assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) **APPLICABILITY.**—Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(f) **HEALTH EFFECTS EVALUATION.**—

(1) **IN GENERAL.**—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) **CONSULTATIONS.**—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

SEC. 502. LOAN FORGIVENESS.

The matter under the heading “State and Tribal Assistance Grants” under the heading “ENVIRONMENTAL PROTECTION AGENCY” in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: “or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients.”

SEC. 503. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means a city exposed to lead contamination in the local drinking water system.

(2) **COMMITTEE.**—The term “Committee” means the Advisory Committee established under subsection (c).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(b) **LEAD EXPOSURE REGISTRY.**—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or another relevant agency at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) **ADVISORY COMMITTEE.**—

(1) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The Secretary shall establish an advisory committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

- (i) an epidemiologist;
- (ii) a toxicologist;
- (iii) a mental health professional;
- (iv) a pediatrician;
- (v) an early childhood education expert;
- (vi) a special education expert;
- (vii) a dietician; and
- (viii) an environmental health expert.

(B) **REQUIREMENTS.**—Membership in the Committee shall not exceed 15 members and not less than 1/2 of the members shall be Federal members.

(2) **CHAIR.**—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) **TERMS.**—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) **APPLICATION OF FACA.**—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) **RESPONSIBILITIES.**—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) **REPORT.**—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to healthcare, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) **MANDATORY FUNDING.**—

(1) **IN GENERAL.**—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) \$17,500,000 to carry out subsection (b); and

(B) \$2,500,000 to carry out subsection (c).

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

SEC. 504. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

(a) **CHILDHOOD LEAD POISONING PREVENTION PROGRAM.**—

(1) **IN GENERAL.**—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Director of the Centers for Disease Control and Prevention, to be available during the period of fiscal years 2017 and 2018, \$10,000,000 for the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1).

(2) **RECEIPT AND ACCEPTANCE.**—The Director of the Centers for Disease Control and Prevention shall be entitled to receive, shall accept, and shall use to carry out the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1) the funds transferred under paragraph (1), without further appropriation.

(b) **HEALTHY HOMES PROGRAM.**—

(1) **IN GENERAL.**—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development, to be available during the period of fiscal years 2017 and 2018, \$10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary of Housing and Urban Development shall be entitled to receive, shall accept, and shall use to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development the funds transferred under paragraph (1), without further appropriation.

(c) **HEALTHY START PROGRAM.**—

(1) **IN GENERAL.**—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Health Resources and Services Administration, to be available during the period of fiscal years 2017 and 2018, \$10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8).

(2) **RECEIPT AND ACCEPTANCE.**—The Administrator of the Health Resources and Services Administration shall be entitled to receive, shall accept, and shall use to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8) the funds transferred under paragraph (1), without further appropriation.

SEC. 505. REVIEW AND REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) **REVIEW.**—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) **CONTENTS OF REPORT.**—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

SEC. 506. NOTICE TO PERSONS SERVED.

(a) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.”;

(2) in paragraph (2)—

(A) in subparagraph (C)(iii)—

(i) by striking “Administrator or” and inserting “Administrator, the Director of the Centers for Disease Control and Prevention, and, if applicable,”; and

(ii) by inserting “and the appropriate State and county health agencies” after “1413”;

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(C) by inserting after subparagraph (C) the following:

“(D) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

“(3) **NOTIFICATION OF THE PUBLIC RELATING TO LEAD.**—

“(A) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

“(B) **RESULTS OF LEAD MONITORING.**—

“(i) **IN GENERAL.**—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

“(I) any person that is served by the public water system; or

“(II) the local or State health department of a locality or State in which the public water system is located.

“(ii) **FORM OF NOTICE.**—The Administrator may provide the notice described in clause (i) by—

“(I) press release; or

“(II) other form of communication, including local media.

“(C) **PRIVACY.**—Notice to the public shall protect the privacy of individual customer information.”; and

(5) by adding at the end the following:

“(6) **STRATEGIC PLAN.**—Not later than 120 days after the date of enactment of this paragraph, the Administrator, in collaboration with States and owners and operators of public water systems, shall establish a strategic plan for how the Administrator, a State with primary enforcement responsibility, and the owners and operators of public water systems shall conduct targeted outreach, education, technical assistance, and risk communication to populations affected by lead in a public water system.”.

(b) **CONFORMING AMENDMENTS.**—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1)(C), by striking “paragraph (2)(E)” and inserting “paragraph (2)(F)”;

(2) in paragraph (2)(B)(i)(II), by striking “subparagraph (D)” and inserting “subparagraph (E)”;

(3) in paragraph (4)(B) (as redesignated by subsection (a)(3)), in the first sentence, by striking “(D)” and inserting “(E)”.

SEC. 507. OFFSET.

None of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.